

count interest rate on Liberty bonds to 4 per cent and on agricultural and commercial paper to 5 per cent and to increase the credits and circulation of the system; to the Committee on Banking and Currency.

By Mr. VOLSTEAD: Resolution (H. Res. 173) for the immediate consideration of House bill 7294; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEA of California: A bill (H. R. 8240) granting a pension to Frances A. Brown; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 8241) granting a pension to Ada C. Figley; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 8242) granting a pension to Sarah J. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8243) granting a pension to Phoebe Webb; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 8244) permitting Frances Mack Mann to purchase certain public lands; to the Committee on the Public Lands.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2395. By the SPEAKER (by request): Petition of M. G. Sperry and E. L. Seal, relating to the American Legion; to the Committee on the Judiciary.

2396. By Mr. CANNON: Petition of citizens of Danville, Ill., protesting against legislation restricting the freedom of worship (H. R. 4388); to the Committee on the District of Columbia.

2397. By Mr. CULLEN: Resolution by Friends of Irish Freedom, relative to taxation; to the Committee on Ways and Means.

2398. By Mr. FULLER: Petition of Zion Lutheran Church, of Millbrook, Ill., for disarmament; to the Committee on Foreign Affairs.

2399. Also, petition of the Durison Co., of Chicago, Ill., for extension of the dye control act; to the Committee on Ways and Means.

2400. Also, petition of Greenlee Bros. & Co., of Rockford, Ill., favoring early enactment of the Winslow-Townsend bill for relief of the railways; to the Committee on Interstate and Foreign Commerce.

2401. By Mr. KISSEL: Petition of the Noll Chemical & Color Works (Inc.), 152 West One hundred and eighth Street, New York City; to the Committee on Ways and Means.

2402. Also, petition of J. B. Pitcher, president of the Nitro Products Corporation, 120 Broadway, New York City; to the Committee on Ways and Means.

2403. Also, petition of Jacob Meurer, president of the Meurer Steel Barrel Co. (Inc.), 23-31 West Forty-third Street, New York City; to the Committee on Ways and Means.

2404. By Mr. LINEBERGER: Petition of C. A. Buffum, Whittier Chamber of Commerce, Retail Dry Goods Merchants' Association of Los Angeles, Merchants and Manufacturers' Association of Los Angeles, Associated Jobbers of Los Angeles, and the Produce Exchange of Los Angeles, protesting against the failure of the Ways and Means Committee to withdraw the war tax on express charges as well as on freight and passenger charges; to the Committee on Ways and Means.

2405. Also, telegram from Frank Nazaro, president of the Produce Exchange of Los Angeles, Calif., urging the cancellation of the tax on express; to the Committee on Ways and Means.

2406. By Mr. NEWTON of Missouri: Petition of 25 citizens of St. Louis, Mo., urging an immediate tax revision; to the Committee on Ways and Means.

2407. By Mr. PATTERSON of Missouri: Petition of Jobbers and Manufacturers' Association, of Springfield, Mo., for the elimination of the proposed tax on express business; to the Committee on Ways and Means.

2408. By Mr. SMITH of Michigan: Petition of 61 citizens of Battle Creek, Mich., protesting against passage of House bill 4388, providing for regulation of Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

2409. By Mr. SPEAKS: Telegrams from the Musical Industries Association, the Goldsmith Music Store Co., and the

Wilkin Redman Co., of Columbus, Ohio, protesting against the excise tax on musical instruments; to the Committee on Ways and Means.

2410. By Mr. SWING: Petition of citizens of Santa Ana, Calif., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

2411. Also, petition of citizens of San Bernardino, Calif., protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

2412. Also, petition of citizens of San Diego, Calif., protesting against the passage of Senate bill 1948; to the Committee on the District of Columbia.

2413. By Mr. YATES: Petition of Fay Lewis & Bros. Co., of Rockford, Ill., protesting against increase in internal-revenue taxes on tobacco products; to the Committee on Ways and Means.

2414. Also, petition of Mr. A. J. Clark, 812 Steger Building, Chicago, Ill., protesting against the so-called Sunday blue law; to the Committee on the District of Columbia.

2415. Also, petition of Judge Henry Neil, of Hinsdale, Ill., urging that only mothers be employed to instruct mothers in the care of their own children, and urging that a provision to this effect be inserted in the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

#### SENATE.

MONDAY, August 15, 1921.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we recognize Thy hand in the blessings of life continued unto us. As each day witnesseth that Thy mercies never fail, as the recipient of those mercies we want to turn our thoughts to the duties which command attention, and ask the guidance of Thy wisdom in all the plans and all the exercises of this day. Through Jesus Christ our Lord. Amen.

#### NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., August 15, 1921.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro Tempore.

Mr. SMOOT thereupon took the chair as Presiding Officer.

The reading clerk proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### LIMITATION OF ARMAMENTS (S. DOC. NO. 65).

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
Washington, August 15, 1921.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress an estimate of appropriation in the sum of \$200,000, required by the State Department to defray the expenses of the Conference on the Limitation of Armament, which is to assemble in Washington on November 11, 1921.

There is enclosed herewith for the information of Congress copy of a letter from the Undersecretary of State of the 15th instant, explaining the necessity for this appropriation. In the statement of reasons set forth by the Undersecretary of State, I concur, and recommend the appropriation as being in the public interest.

There is also enclosed copy of the formal invitation to Great Britain, France, Italy, and Japan to participate in the conference.

Respectfully,

WARREN G. HARDING.

#### SCHEDULES OF CLAIMS AGAINST THE GOVERNMENT (S. DOC. NO. 64).

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States,

which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
Washington, August 12, 1921.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith, in compliance with section 2 of the act of July 7, 1884 (23 Stat. L., 254), schedules of claims amounting to \$790,994.43 allowed by the several accounting officers of the Treasury Department, and the various divisions of the General Accounting Office subsequent to July 1, 1921, when the General Accounting Office was established, as covered by certificates of settlement, the numbers of which are shown in the first column of said schedules, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (18 Stat. L., 110), and for the service of the following departments and independent offices:

Legislative	557.58
Executive	772.77
Department of State	191,862.24
Treasury Department	23,063.60
Independent offices	1,234.46
District of Columbia	1,800.52
War Department	327,545.35
Navy Department	134,420.66
Interior Department	3,977.93
Department of Agriculture	393.98
Department of Commerce	40,999.73
Department of Labor	321.45
Department of Justice	2,087.13
Postal Service	62,957.03
Total	790,994.43

The appropriations necessary to provide for payment of these claims are required in order to meet outstanding obligations of the Government heretofore authorized by Congress, the balances of appropriations concerned having been exhausted or carried to the surplus fund prior to the allowance of the claims by the proper accounting officers.

These claims are debts of the Government, the validity of which has been approved, including an appropriation heretofore made by Congress to meet them. Since their status has not been altered except in so far as the appropriation has lapsed, an explanatory statement of their necessity to accord with section 203 (a) of the budget and accounting act seems unnecessary.

Respectfully,

WARREN G. HARDING.

JUDGMENTS RENDERED BY THE COURT OF CLAIMS (S. DOC. NO. 63).

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
Washington, August 12, 1921.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress, in compliance with the provisions contained in the act of September 30, 1890 (26 Stat., 537), and the deficiency act of April 27, 1904 (33 Stat., 422), a list of judgments rendered by the Court of Claims, amounting to \$292,528.06, which have been submitted by the Secretary of the Treasury and require an appropriation for their payment, as follows:

Under the Treasury Department	\$166,523.02
Under the War Department	126,005.04
Total	292,528.06

The foregoing are obligations of the Government lawfully imposed and (subject to the reserved right of appeal) must be paid. For this reason and because they could not have been anticipated in the regular appropriation bills no further explanation under section 203 (a) of the budget and accounting act seems necessary.

Respectfully,

WARREN G. HARDING.

CLAIMS RENDERED AGAINST GOVERNMENT BY DISTRICT COURTS (S. DOC. NO. 61).

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
Washington, August 12, 1921.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat., 422), a list of judgments rendered against the Government by the district

courts of the United States, under the provisions of the act of March 3, 1887 (24 Stat., 505), as amended by section 297 of the act of March 3, 1911 (36 Stat., 1168), as submitted by the Attorney General through the Secretary of the Treasury, which requires an appropriation for their payment, together with such additional sum as may be necessary to pay interest on said judgments at the rate of 4 per cent per annum from the date thereof until the time the appropriation is made, with the proviso that the judgments herein provided for shall not be paid until the right of appeal shall have expired, as follows:

Under the War Department	\$8,385.15
Under the Navy Department	7,233.50
Total	15,618.65

The foregoing are obligations of the Government lawfully imposed and (subject to the reserved right of appeal) must be paid. For this reason and because they could not have been anticipated in the regular appropriation bills, no further explanation under section 203 (a) of the budget and accounting act seems necessary.

Respectfully,

WARREN G. HARDING.

BALTIMORE DRY DOCKS & SHIPBUILDING CO. (S. DOC. NO. 62.)

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

THE WHITE HOUSE,  
Washington, August 12, 1921.

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 17, 1904 (33 Stat., 422), the record of a judgment rendered against the United States by the district court of the United States for the district of Maryland, sitting in admiralty, under the provisions of an act entitled "An act for the relief of the Baltimore Dry Docks & Shipbuilding Co., owner of a dry dock at Baltimore, Md.," approved December 26, 1920 (Private act No. 74, Private Laws of the Sixty-sixth Congress, 3d sess., 41 Stat., 75), which requires an appropriation for its payment, with a proviso that this judgment shall not be paid until the right of appeal shall have expired.

Under the Navy Department: Baltimore Dry Docks & Shipbuilding Co., \$1,848.70.

The Attorney General in his letter of July 22, 1921, submitting the estimate for an appropriation required for the payment of this judgment, does not report any interest as due on same, nor is the payment of interest provided for in the jurisdictional act.

Payment of interest on judgments of United States courts ordinarily is provided for by section 10 of the act of March 3, 1887 (24 Stat., 507), and applies only to judgments rendered in suits instituted under that act.

The foregoing is an obligation of the Government lawfully imposed and (subject to the reserved right of appeal) must be paid. For this reason and because it could not have been anticipated in the regular appropriation bills no further explanation under section 203 (a) of the budget and accounting act seems necessary.

Respectfully,

WARREN G. HARDING.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhues, its enrolling clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5676) taxing contracts for the sale of grain for future delivery and options for such contracts, and providing for the regulation of boards of trade, and for other purposes, had agreed to the conference requested by the Senate, and that Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, Mr. TINCER, Mr. RAINEY of Illinois, and Mr. ASWELL were appointed managers of the conference on the part of the House.

The message also announced that the House had passed without amendment the following Senate bill and joint resolution:

A bill (S. 1794) to authorize the Secretary of War to release the Kansas City & Memphis Railroad & Bridge Co. from reconstructing its highway and approaches across its bridge at Memphis, Tenn.; and

A joint resolution (S. J. Res. 88) granting consent of Congress to an agreement or compact entered into between the State of New York and the State of New Jersey for the creation of the port of New York district and the establishment of the port of New York authority for the comprehensive development of the port of New York.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1475) provid-



ing for a grant of land to the State of Washington for a biological station and general research purposes.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 8107. An act to control importations of dyes and chemicals;

H. R. 8117. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1922, and for other purposes; and

H. J. Res. 183. A joint resolution imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person when reimported into the United States.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Presiding Officer [Mr. Smoot] as Acting President pro tempore:

S. 1934. An act granting the consent of Congress to the Huntington & Ohio Bridge Co. to construct, maintain, and operate a highway and street railway bridge across the Ohio River between the city of Huntington, W. Va., and a point opposite in the State of Ohio;

H. R. 1269. An act to make a preliminary survey of the Calaveras River, in California, with a view to the control of its floods;

H. R. 1475. An act providing for a grant of land to the State of Washington for a biological station and general research purposes; and

H. R. 1940. An act for the relief of the Southern Iron & Metal Co., Jacksonville, Fla.

#### EXPORTATION OF WOOD PULP FROM CANADA.

The PRESIDING OFFICER. The Chair desires to announce that the enrolled joint resolution (S. J. Res. 36) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments thereof as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood and paper therefrom to the United States, has heretofore been signed by the President pro tempore.

#### PETITIONS AND MEMORIALS.

The PRESIDING OFFICER. The Chair lays before the Senate a petition of the Private Soldiers' and Sailors' Legion of the United States of America, requesting Congress to repeal the charter of the American Legion. It will be referred to the Committee on the Judiciary.

Mr. BORAH. Mr. President, is that a petition?

The PRESIDING OFFICER. It is a petition.

Mr. BORAH. I ask that the petition part of it be printed in the RECORD.

Mr. HARRISON. May I ask by whom that is signed?

The PRESIDING OFFICER. By Marvin G. Sperry, national chairman of the Private Soldiers' and Sailors' Legion.

Mr. BORAH. A matter of such importance ought to be published in the RECORD, I think. It seems to be a rather serious matter, and all concerned should have it where they can read it rather than to have it received and difficult to reach.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The petition is as follows:

Petition.  
NATIONAL HEADQUARTERS  
PRIVATE SOLDIERS' AND SAILORS' LEGION  
OF THE UNITED STATES OF AMERICA,  
Washington, D. C., August 10, 1921.

To the Senate and House of Representatives of the United States of America in Congress assembled:

On September 16, 1919, the Congress, by special enactment, granted a charter to a group of men and their successors empowering them to organize an association of veterans of the World War under the name of the American Legion.

By reason of the possession of this special charter, and because the organizers had been furnished by interests which have never been revealed with practically unlimited funds, the American Legion has come to be considered by the general public as an organization voicing the spirit and aspiration of all former service men. Ever since its organization the men in control of the American Legion have wrongfully assumed to represent the great body of veterans of the World War in matters of legislation, of public policy, and in many questions in which those leaders are personally interested, but about which the body of veterans as a whole care nothing. These leaders have become so overbearing and insolent in their assumptions that they are now, and for some time have been, presuming to give voice to the opinions of all former service men—those who do not belong to the American Legion as well as those who do. Their conduct in this regard has gone to such lengths that we feel that it has become incumbent on us to acquaint you, as the chartering power, with the actual facts.

The real situation is this: A group of silk-stockinged officers met in France and determined on the formation of an association of veterans. Shortly thereafter, at a time when the Army was rapidly returning to the United States, a committee of hand-picked, self-constituted former officers, carrying out the line of action which had been determined on at the preliminary meeting in France, opened offices in New York and procured from unknown sources some hundreds of thousands of dollars, to be used in furtherance of their ends. This committee prepared the constitution and by-laws for the proposed organization, which was to be known as the American Legion, and arranged for a meeting in St. Louis, at which the constitution and by-laws were to be adopted and the American Legion launched. This same New York committee supervised the selection of delegates to the St. Louis meeting by calling on the draft boards throughout the United States to hold meetings of former service men at which the delegates were to be selected. In each instance these meetings were restricted in their choice of delegates to officers of the rank specified by the New York committee.

By the terms of the charter of the American Legion and its constitution and by-laws its first officers were selected by the organizers, and the successors of these officers are still chosen by the same self-constituted interests on a self-perpetuating basis.

#### We charge:

1. That the organizers and present officers of the American Legion organized it with tainted money, for the purpose of giving the men who placed themselves in its control an opportunity of misrepresenting the wishes and desires of former service men wherever such wishes and desires clashed with those of the unknown men who had furnished the money, and who are the real power behind the Legion.

2. That the present officers of the American Legion have no authority to speak for the rank and file of veterans, either within or without the Legion.

3. That the present officers of the Legion are receiving and paying out to themselves vast sums of money in salaries and expenses, ostensibly because of the services they are rendering to former service men, when, in truth, their services and activities are not in the interest of the veterans but of the hidden group of men who furnished the secret funds for its organization.

4. That notwithstanding a clear and unequivocal provision in the law granting the American Legion its charter to the effect that a financial statement must be annually filed with Congress, no such statement has ever yet been filed.

5. That in carrying out the orders of the unknown interests who furnished the funds for its organization the present officers of the American Legion have instigated and incited lawlessness in numerous instances. An examination of the facts in the cases of Arthur Clark, Carpenteria, Calif.; Frederick Reis, Jr., Cincinnati; Kate O'Hare, Minot, N. Dak.; former Senator J. Ralph Burton and Prof. Wilson, at Ellinwood, Kans.—to mention only a few of these instances—will convince all fair-minded men that the perpetrators of these outrages should not be permitted to hide their offenses behind a Federal charter.

6. That the leaders of the American Legion have pursued the settled, uniform policy of interfering with and dictating to public schools and colleges, churches, newspapers, public meetings, political assemblies, officers charged with the preservation of the public peace, and all persons and all activities which in any way threatened to endanger the interests of the secret financial backers of the Legion, and they still pursue this policy under the cloak of their Federal charter and without any authorization from the body of their members.

7. That from the day of its organization the attitude of the officers of the American Legion toward labor, and especially toward organized labor, has been so virulent and hostile as to justify the inference that the secret funds secretly furnished for its organization were contributed for the express purpose of opposing the welfare of all men who work for wages, under the specious guise of patriotism.

We have no quarrel with our buddies who were induced by false pretenses to join the Legion. Our criticism is directed solely against the men who have misrepresented and exploited not only the rank and file of the American Legion but ourselves and all other veterans as well; and we respectfully petition the Congress, in the interest of all former service men, to appoint a committee to examine into this matter, with the view of repealing the charter of the American Legion, so that it may cease to cloak the scandalous and disgraceful conduct of a small coterie of self-constituted, self-perpetuating officials.

Respectfully submitted.

[SEAL.]

NATIONAL EXECUTIVE COMMITTEE,  
PRIVATE SOLDIERS AND SAILORS LEGION,  
MARVIN GATES SPERRY, National Chairman,  
EARL L. SEAL, National Secretary.

Mr. NELSON presented a resolution adopted by citizens of De Graff, Minn., protesting against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States of America, etc., which was referred to the Committee on Finance.

He also presented a letter in the nature of a memorial of Klearflax Linen Rug Co., of Duluth, Minn., remonstrating against the enactment of legislation imposing a tariff on flax straw, flax tow, noils, etc., which was referred to the Committee on Finance.

He also presented a letter in the nature of a petition of the Buzza Co., of Minneapolis, Minn., praying for the enactment of legislation imposing a tariff on tally cards and place cards for table use, which was referred to the Committee on Finance.

He also presented telegrams in the nature of memorials of the Cold Springs Brewing Co., of Cold Springs; Gluek Brewing Co. and Minneapolis Brewing Co., of Minneapolis; Jacob Schmidt Brewing Co. and Theo. Hamm Brewing Co., of St. Paul; and Kiewel Associated Products Co., of Little Falls, all in the State of Minnesota, remonstrating against the enactment of legislation imposing a tariff of 15 cents per gallon on cereal beverages, which were referred to the Committee on Finance.

He also presented a resolution of sundry citizens of Barnesville, Minn., favoring the enactment of Senate bill 1452, pro-

viding for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, which was referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented resolutions adopted by sundry Chautauquans of Marysville, Ohio, August 3, 1921, favoring the intervention by the United States Government on behalf of Korea and China against alleged aggressions of Japan, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Toledo, Ohio, remonstrating against the enactment of Senate bill 1948, providing for compulsory Sunday observance, etc., which was referred to the Committee on the District of Columbia.

Mr. SHORTRIDGE presented sundry petitions signed by the following-named citizens of California, praying for the passage of the so-called La Follette and Norris resolutions relative to Ireland, and also praying for the recognition of the independence of the republic of Ireland by the Government of the United States; which were referred to the Committee on Foreign Relations:

Richard Mangan, resolution Terence MacSwiney Branch, American Association for the Recognition of the Irish Republic, by secretary; Patrick Murphy, Elizabeth Buckley, Eileen M. O'Reilly, Frank Donohue, Mrs. J. Donohue, James A. Feeny, Patrick J. Daley, Michael Riordan, Daniel O'Connor, Robert J. Smith, Patrick O'Connell, Hannah O'Connor, Jeremiah Sullivan, John Murphy, J. W. Fryer, Thomas McCartney, George J. Nichols, John McPake, John J. Murphy, Mrs. Annie Driscoll, Dorothy A. Griffith, John C. Healy, Marie Bailie, John Norton, Mrs. A. Tronin, Mrs. Margaret Healy, Ella Delehanty, George Tronin, Mary Delehanty, Mrs. D. W. Healy, E. Delehanty, secretary Branch 77, A. A. R. I. R.; Mrs. Jennie Hughes, Marian C. Stack, Mrs. E. H. Sandahl, Dora J. Cussen, Alice Teresa Cussen, Cornelius Lynch, Virginia Fay, Nora McCarthy, Michael J. Fitzgerald, J. Cotton, Miss Mary Crowley, Mrs. Thomas Fay, James J. Bailey, Helen M. Stack, Miss Margaret Stack, Frank C. Tracey, all of San Francisco.

Patrick Leary, Albert J. Riley, Mrs. Louis E. Braun, Franklin Branch, A. A. R. I. R.; J. J. Kreig, all of Oakland.

Mrs. C. Myatt, Mary A. Woods, Rev. P. M. Griffin, Mr. Martin Glynn, Edward O'Hara, Thomas F. Keene, secretary Richmond Branch, Home Insurance Co. of New York, also secretary Branch No. 159, A. A. R. I. R.; P. J. Connor, all of Richmond.

Mary E. Redmond, Catharine Redmond, M. J. Calhan, P. J. Winters, M. H. Ryan, all of Alameda.

E. C. McDonough, Josephine C. Diehl, Basil J. Nettleton, Mrs. Annie Nettleton, Geraldine Nettleton, Josephine Nettleton, Anna R., W. E., and M. Kelly, Michael F. Campbell, Mrs. M. J. Firsick, Matthew J. Firsick, jr., Lucile A. M. Brennan, Mrs. Margaret Barrett, Joseph S. Derrick, M. D., Mary Ramsey, Edward B. Nicoll, Mrs. C. Duerbeck, John Studer, M. F. Dillon, Mary Hennessey, John Hennessey, V. Ramsey, N. M. Mullins, M. T. Collins, Lottie Trave, Joseph Trave, Josie Trave, J. J. O'Regan, E. C. McDonough, all of Los Angeles.

#### REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims, reported it with amendments and submitted a report (No. 256) thereon.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, reported it without amendment and submitted a report (No. 257) thereon.

Mr. NEW (for Mr. STANFIELD), from the Committee on Claims, to which was referred the bill (S. 1408) authorizing the Rolph Navigation & Coal Co. to sue the United States to recover damages resulting from collisions, reported it with amendments and submitted a report (No. 258) thereon.

#### INTERSTATE HIGHWAY SYSTEM.

Mr. STERLING (for Mr. TOWNSEND), from the Committee on Post Offices and Post Roads, to which was referred the amendment of the House of Representatives to the bill (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it with an amendment.

Mr. McKELLAR. Mr. President, may I ask the Senator from South Dakota what bill that is?

Mr. STERLING. It is the good roads bill; the House amendment reported with an amendment.

In connection with the report I present in behalf of the chairman of the committee a concurrent resolution relating to the title, which I suppose should lie on the table.

Mr. McKELLAR. I understood the chairman was to submit the report to me before it was handed in, but if the Senator chooses to take that course I shall offer no objection.

Mr. STERLING. I was just handed the report by the clerk of the committee.

Mr. STERLING (for Mr. TOWNSEND) submitted the following concurrent resolution (S. Con. Res. 9), which was ordered to lie on the table:

*Resolved by the Senate (the House of Representatives concurring). That in the enrollment of the bill (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, the Secretary of the Senate be, and he hereby is, authorized and directed to amend the title of the said bill so as to read as follows:*

*"An act to provide for the establishment, construction, and maintenance of a post roads and interstate and intercounty highway system, to create a post roads and Federal highway commission, and for other purposes."*

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they had presented to the President of the United States for his approval and signature the following enrolled bill and joint resolution:

On August 11, 1921:

S. 1811. An act to amend the Federal farm loan act, as amended.

On August 13, 1921:

S. J. Res. 36. Joint resolution authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments thereof as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood and paper therefrom to the United States.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 2394) to confer jurisdiction on the Court of Claims to adjudicate the claims of the legal representative of Robert Dillon, deceased; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 2395) granting an increase of pension to James M. Taylor;

A bill (S. 2396) granting a pension to John J. Rogers;

A bill (S. 2397) granting a pension to Harry J. Martin; and

A bill (S. 2398) granting a pension to Katie Kensinger; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 2399) granting an increase of pension to Eleanor L. Curtiss;

A bill (S. 2400) granting an increase of pension to Samuel S. Householder;

A bill (S. 2401) granting a pension to Mrs. Stephen Fennell;

A bill (S. 2402) granting a pension to Charles A. Pettit; and

A bill (S. 2403) granting an increase of pension to Mollie M. Wilkerson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2404) granting a pension to Anna E. Shoemaker (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2405) supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; to the Committee on Civil Service.

A bill (S. 2406) granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the Civil War; and

A bill (S. 2407) granting an increase of pension to William J. Gimm; to the Committee on Pensions.

A bill (S. 2408) for the relief of Mary L. Spring; and

A bill (S. 2409) for the relief of W. L. Spring; to the Committee on Claims.

By Mr. McCORMICK:

A joint resolution (S. J. Res. 99) providing a site upon public grounds in the city of Washington, D. C., for the erection of a statue of Dante; to the Committee on the Library.

A joint resolution (S. J. Res. 100) providing for the appointment of a commissioner to serve on the Interstate Harbor Commission of Illinois and Indiana; to the Committee on Commerce.



## FOREIGN TRADE ZONE.

Mr. JONES of Washington. Mr. President, I send to the desk an amendment which I intend to propose to the tariff bill and ask that it may be printed and referred to the Committee on Finance.

I will say that the amendment embodies the bill that was reported this morning from the Committee on Commerce providing for foreign trade zones. I think it is a matter which very properly comes up for consideration in connection with the tariff bill. It was the sense of the committee that if the bill was reported it should then be put in the form of an amendment to the tariff bill and referred to the Committee on Finance for consideration in connection with the tariff bill.

There being no objection, the amendment was ordered to be printed and referred to the Committee on Finance.

## AMENDMENT TO TRANSPORTATION ACT, 1920.

Mr. PITTMAN submitted an amendment intended to be proposed by him to the bill (S. 2337) to amend the transportation act, 1920, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

## PROPOSED RECESS OF CONGRESS.

Mr. LODGE. Mr. President, I offer the following concurrent resolution to lie on the table and I give notice that I shall call it up to-morrow.

The Assistant Secretary read the concurrent resolution (S. Con. Res. 8), as follows:

*Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Saturday, the 20th day of August, 1921, they stand adjourned until 12 o'clock meridian on Monday, the 19th day of September, 1921.*

The PRESIDING OFFICER. The concurrent resolution will lie on the table.

Mr. ASHURST. Mr. President, my attention was diverted for the moment. Was a resolution presented with reference to a recess or adjournment?

The PRESIDING OFFICER. The Senator from Massachusetts submitted a concurrent resolution, which will lie upon the table.

Mr. ASHURST. I ask that the resolution be again read.

The PRESIDING OFFICER. The Secretary will again read the resolution.

The Assistant Secretary again read the concurrent resolution.

Mr. ASHURST. Mr. President, respecting the concurrent resolution—

Mr. LODGE. I may say to the Senator that we are not going to call it up to-day. It lies on the table until to-morrow.

Mr. ASHURST. I have no desire to inject my personal views into the views of the majority, but I feel that we should not adjourn or take a recess until some matters that I conceive to be important are disposed of. I realize that within our own sphere we each think that certain matters are important, but I submit for the information of Senators the following observations upon certain bills, with the view that we should not adjourn or take a recess until they are disposed of.

First, there is a bill pending, introduced by the Senator from Idaho [Mr. BORAH], which proposes to extend for one year the time within which payment of construction charges may be made on reclamation projects. That bill ought to be passed.

Then there is a bill which provides that lands in reclamation projects shall be eligible for Federal farm loans. That bill ought to be passed before we adjourn.

I have this morning a dispatch from the State engineer of Arizona, which reads as follows:

PHOENIX, ARIZ., August 13, 1921.

Hon. HENRY F. ASHURST,  
United States Senate, Washington, D. C.:

Delay in Federal aid road legislation greatly inconveniencing Arizona program. We sincerely hope that appropriation will be made immediately. If this is impossible, definite information that Congress has abandoned Federal aid would assist us in planning our work. We would appreciate your endeavoring to secure action before Congress takes recess.

STATE ENGINEER.

Then there is also the McNary bill, which has passed the Senate as a substitute for the Norris bill. This bill should extend some relief to the farmers and stockmen. It will permit advancements to be made through the War Finance Corporation.

I ask that a petition in the form of a letter addressed to me and a resolution of the Salt River Valley Water Users' Association be printed in the Record as a part of my remarks.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

ARIZONA CATTLE GROWERS' ASSOCIATION,  
PHOENIX, ARIZ., August 8, 1921.

Hon. HENRY F. ASHURST,  
United States Senate, Washington, D. C.

DEAR SENATOR ASHURST: It has been brought to our attention that there has been introduced in the United States Senate a bill providing that the date of payment of grazing fees on the national forests be extended from September 1 until December 1, 1921.

Conditions among the cattlemen of the State of Arizona are such that the passage of this proposed legislation is absolutely necessary. As you are aware, the cattle-growing industry of this State is passing through the most critical stage in a great many years. There has been no market for the cattle produced here, and therefore there has been, practically speaking, no cattle sold in this State for almost 12 months, and very few in the last two years, thus depriving the cattlemen of any income and straining their credit facilities to the limit, or almost to the breaking point. In addition to these conditions, the most severe drought in 20 years has existed in this State during the first part of this year and lasting until the middle of last month. This drought has caused enormous additional expenditures in the way of feed and pasture bills and has also put cattle in a condition where they will not be in marketable shape until at least six weeks hence.

It will be impossible for any sales of cattle to be made until the latter part of September, and, as you can readily see, the cattlemen will have no money for the payment of grazing fees and other expenses until they are able to receive money from the sale of cattle through the months of October and November, as further credit is unavailable.

In view of these conditions, we earnestly urge that you use your efforts to secure the passage of such legislation as is necessary to have the postponement of the date of payment for grazing fees on the national forests to December 1, 1921.

Very truly, yours,

ARIZONA CATTLE GROWERS' ASSOCIATION,  
By HENRY G. BOICE,  
Acting President.

SALT RIVER VALLEY WATER USERS' ASSOCIATION,  
OPERATING SALT RIVER PROJECT,  
PHOENIX, ARIZ., July 19, 1921.

## Resolution.

"Whereas on account of the very low price of farm products and live stock payments due December 1, 1920, for construction and to become due in December, 1921, can not be met by the water users, although they are economizing in every way in an endeavor to make such payment: Therefore be it

*Resolved by the board of governors of the Salt River Valley Water Users' Association, That we indorse the provisions of Senate bill 1728, by Senator BORAH, by the terms of which it is proposed to defer payment of the 1921 construction charge for a period of one year, and for the deferment of all subsequent charges for the same time, without penalty; be it further*

*Resolved, That we request the Members of Congress from the State of Arizona to support the said bill, and that a copy of this resolution be sent to all members of the Arizona delegation, and, further, that they be urged to use their best efforts to secure an amendment to said act so as to provide for an extension of said construction charges for a period of two years instead of one year."*

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the board of governors of the Salt River Valley Water Users' Association at a meeting held on July 16, 1921.

[SEAL.]

F. C. HENSHAW,  
Secretary Salt River Valley Water Users' Association.

## FEDERAL PATRONAGE IN TENNESSEE.

Mr. McKELLAR submitted the following resolution (S. Res. 131), which was referred to the Committee on Post Offices and Post Roads:

*Resolved, That the Post Office Committee of the Senate be, and is hereby, authorized and instructed to investigate the alleged violations of the civil service act and the alleged selling of or trafficking in Federal offices in Tennessee by John W. Overall, Republican national committeeman and alleged referee in patronage matters in that State.*

## REPORT OF BOARD OF VISITORS TO NAVAL ACADEMY.

Mr. POMERENE submitted the following resolution (S. Res. 132), which was considered by unanimous consent and agreed to:

*Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate the report of the Board of Visitors to the United States Naval Academy for the year 1921, and to include therewith the reports for the years 1917, 1918, 1919, and 1920, respectively.*

## REPORT OF ALASKAN ENGINEERING COMMISSION, 1917.

On motion of Mr. NEW, it was

*Ordered, That the Secretary of the Senate be directed to transmit to the Secretary of the Interior the report of the Alaskan Engineering Commission for 1917, transmitted to the Senate on April 22, 1918, by the President of the United States.*

## PROPOSED NATIONAL SUNDAY LAW.

Mr. POINDEXTER. Mr. President, on July 13 there was printed in the CONGRESSIONAL RECORD an article proposing a national Sunday law. I ask unanimous consent to have printed in the Record an answer to that appeal by C. S. Longacre, general secretary of the Religious Liberty Association of America.

There being no objection, the communication was ordered to be printed in the Record, as follows:

## COUNTERPETITION TO PROPOSED NATIONAL SUNDAY LAWS.

To the honorable Senate and House of Representatives in Congress assembled:

The Religious Liberty Association respectfully presents a counterpetition to Congress relative to the "proposed national Sunday law," which was printed in the CONGRESSIONAL RECORD

of July 13, 1921, at the request of the central committee of the nineteen conferences of the Methodist Episcopal Church South. It is not our purpose to impugn the motives and high ideals of our worthy coreligionists. We do not question their sincerity. But we do question the means and methods they are seeking to employ to bring about certain spiritual reformations.

We, too, believe in the binding claims of the Holy Bible upon the individual. We believe that every man, woman, and child ought to observe the Sabbath day of divine appointment—the fourth commandment of the decalogue. With our Methodist brethren, we believe that God wrote the Ten Commandments, and that God has never repealed any of the Ten Commandments. We go a step further, and we do not believe that God ever designed to alter or change any of these commandments of the eternal ten. We not only believe that all men ought to accept all the divine institutions of the Lord's planning, but they ought to accept the Savior of the world Himself, because such an acceptance means their eternal welfare.

But while we believe all this, we do not believe that any of these divine institutions and religious obligations which we owe exclusively to God should ever be enforced under duress of civil law. Religious obligations rest entirely upon individual faith, piety, and soul conviction, and should never be enforced by the civil magistrate.

#### HEART RELIGION ALONE ACCEPTABLE.

Religion has no value unless the conscience is left free to accept it. God made the conscience free and He never intended that any man should enslave it. When religious obligations and observances become a matter of compulsion, the conscience is shackled, and the profession of religion becomes a cloak of hypocrisy. A man's duties toward God and religion must be voluntary and emanate from the heart in free-will service in order to be acceptable in the sight of God. Only the power of love has a right to dominate the heart and life in religious matters. Heart religion alone is of value to God. Christianity, with all its divine obligations toward God, is founded on faith, hope, and love, as revealed in the teachings and life of Christ. As the Scripture saith: "Hath thou faith? Have it unto thyself before God." No man has the divine sanction to make his conscience the criterion for another man. As Lincoln said: "He that governs himself is a man, but he that governs himself and another man without his consent is a tyrant."

#### NO RIGHT TO JUDGE IN SPIRITUAL REALM.

Paul taught very emphatically and clearly that no man had any right to judge another man in matters of faith and conscience in the spiritual realm. "He that judges me is the Lord," says Paul. "Therefore judge nothing before the time, until the Lord come, who both will bring to light the hidden things of darkness and will make manifest the counsels of the hearts."

There is no man great enough, wise enough, nor good enough to sit in judgment upon the motives of another man's heart and judge him in matters of conscience and belief concerning religious and theological questions. As long as a man conducts himself as a good, moral citizen the civil authorities should protect him in all his civil rights, no matter whether he makes a profession of religion or not. It is not the business of the state to see that its citizens are religious or that they conform to the regulations and obligations of a church ritual. Nor is it the business of the civil magistrate to enforce the rules of a church discipline upon the members of society, who may or may not agree with the church creed. "But why dost thou judge thy brother?" says Paul. "Or, why dost thou set at naught thy brother? for we shall all stand before the judgment seat of Christ." The state has no authority to judge any man for the offenses he has committed against God or his own conscience, so long as he has not invaded the rights of his fellow man. God Himself has appointed a day of judgment when He will judge and punish all men who have sinned against Him. The state can only punish a man for the offenses he has committed against his fellow men. If the state could punish a man for the offenses he has committed against God, then there would be no necessity for God to have a future judgment day. Every man must answer to God for his own sins against God and against his own soul. As Paul says: "So then every one of us shall give account of himself to God. Let us not therefore judge one another any more \* \* \* for whatsoever is not of faith is sin." (Rom. 14:10-13, 23.)

If any man compels another man to perform a religious act in which he has no faith, according to Paul's gospel, he compels that man to commit a sin, "for whatsoever is not of faith is sin." The individual who attempts to dictate his neighbor's religious conduct by law shows thereby that he is not of Christ,

but of anti-Christ. The teachings of Christ are utterly opposed to the use of force in the advancement of his cause. Christ never appeared before the rulers of the land asking them to enact laws to reform the people. He made no alliance with the civil government. He loved His way into the hearts of sinners. His plan was to draw and win men instead of driving them into the kingdom. The doctrines and teachings of Christ were not to be advanced by the force of civil law or at the point of the policeman's baton. The political preacher who favors a legal religion and the force of law instead of the power of love is substituting the policeman's club for the cross of Christ. Christ never appealed to the use of the sword, and he can never be conquered by the sword.

#### CHRIST'S POSITION ON INDIVIDUAL LIBERTY.

Christ said:

If any man hear my words and believe not, I judge him not; for I am not come to judge the world, but to save the world. He that rejecteth me, and receiveth not my words, hath one that judgeth him; the word that I have spoken, the same shall judge him in the last day. (John 12:47-8.)

Christ never delegated to any man or set of men the right to judge their fellow men in matters of religious belief and doctrine. In these matters every man was expected, in harmony with the divine plan, to give an account of himself to God "in the last day." Men were only to be judged in civil matters at Caesar's judgment bar now. But in matters of divine concern the Lord saith: "Vengeance is mine; I will repay." The man who attempts to judge men in spiritual matters now frustrates the plan of God and assumes to exercise the divine prerogatives before the time.

#### POLITICAL RELIGION A FAILURE.

Since the dawn of history every attempt to make men better and to inspire them with faith toward God by the force of law has been a failure, and every future attempt must of necessity be a failure, because it is based on a wrong premise and a false conception of Christianity. The spirit back of such movements emanates from the wrong source and is based on the egotistical concept that the promoters of the movement are absolutely right and their interpretations of truth infallible, and that their opponents must be wrong and consequently should not be tolerated. Such pharisaical movements are destined to lead to the inquisition, if the religious fanatics are permitted to go on unchecked in their mad career. They can find justification through their specious reasoning to inflict the severest penalties on those who dare to assert their right of dissent from the legally established views.

#### FAILURE TO DISTINGUISH BETWEEN DIVINE AND HUMAN LAWS.

The petition of our Methodist brethren fails to draw a line of distinction between the duties we owe to God and the duties we owe to our fellow men. The petition states:

"As a Nation we have put God's commandments against stealing, lying, adultery, and murder into our laws. Now we must go further and put into our national laws God's command against working on the Sabbath. \* \* \* Our Nation licenses our interstate commerce—the biggest in the world—to run its Sunday trains, newspapers, and other business for profit in open violation of God's commandment."

Here is a clear failure to make a distinction between the divine and the human government, between the proper functions of the church and the specific functions of the state, or between divine and human relations and obligations. In order that all men might know and recognize the distinction between the duties we owe to God and the duties we owe to men, God purposely wrote the Ten Commandments upon two separate and distinct tables of stone. God did not throw the Ten Commandments together promiscuously. Nor was He limited in the selection of stone, and unable to find a stone long enough to write all ten on one table. He could just as easily have written all ten on one table of stone as upon two tables. But God intentionally and designedly wrote those commandments which define man's true and proper relationship with God upon the first table, and those which define man's proper and equitable relationship with his fellow men upon the second table. The first four commandments of the decalogue, written upon the first table, deal exclusively with our duties and relations toward God, while the last six on the second table refer only to man's obligations to his neighbor. When Jesus Christ came into this world He referred to these two tables and stated explicitly that upon the first table was written man's duties to God, and likewise, on the second table, man's obligations to his neighbor.

#### FIRST TABLE EXCLUSIVELY GOD'S.

The state, which is supposed to exercise civil functions and deal only with man's proper relationship with man, has no right to enact and enforce any of the first four commandments of the decalogue, because these commandments prescribe man's ex-



clusive duty toward God, and pertain to acts which, in their very nature are purely devotional and religious. A violation of these four commandments is a sin, but not a crime. They have nothing whatever to do with man's relationship with the state or with man. The state can not properly or rightfully function in this realm without invading the domain of God and the citadel of the soul of man. If a man chooses to reject the true God, to worship images, to blaspheme the name of God, or to work on "the Sabbath of the Lord," he is accountable to God alone for these specific offenses and must appear and answer before His judgment seat in the last day, but not at Caesar's judgment bar now.

#### MUST SEGREGATE DUTIES ON SECOND TABLE.

The duties set forth on the second table can not be enforced by the civil authorities as the commandments of God in our relations to God, but only in our relations to man. The last six commandments on the second table pertain to the duties between man and man in all his relations of life with man and are purely civil obligations. And while a violation of these commandments is an offense against our neighbor they are also an offense against God. The commandments which prohibit stealing, killing, and adultery set forth our duties both toward God and toward man, and when broken are offenses both against God and man, when their interests are common. For instance, the commandments that say: "Thou shalt not steal," "Thou shalt not kill," "Thou shalt not commit adultery," cover more than our duty toward man. The Scripture says: "Will a man rob God? Yea; ye have robbed Me in tithes and offerings, saith the Lord." But the civil authorities do not punish Christians, much less non-Christians, for refusing to pay their tithes and offerings to the Lord. Yet the Scriptures saith: "The tithe is holy unto the Lord," the same as it saith: "The Sabbath is holy unto the Lord." Both are duties which believers owe exclusively to God and not to man, and neither ought to be enforced by the state, although in the past both have been enforced by the civil magistrate.

"Thou shalt not kill" can not be enforced as the commandment of God relative to our duty toward Him. The commandment of God is exceedingly broad and enters into the motives and thoughts of man. Christ said: "Whosoever hateth his brother is a murderer." But the civil magistrate does not hang or execute or imprison men for hating their brethren. He does not enter into the thoughts and motives of man. He only punishes the man who commits the overt act of injuring his fellow man, but not for the offense against God, which deals with the motive even if the overt act is not performed. Likewise Christ said: "Whosoever looketh after a woman to lust after her hath committed adultery with her already in his heart." But here again the civil government does not endeavor to punish the offense against God, but only the overt act of man when he invades the proper relationship with his fellow men.

It is very evident even when we consider the last six commandments of the decalogue that those duties can only be enforced by the civil government which pertains exclusively to man's proper relationship with man concerning his overt acts which are actual invasions of the rights of man, but the civil magistrate can not by right punish any man for invading or disregarding the claims of God upon the soul.

#### METHODS OF DIVINE AND HUMAN GOVERNMENT DISSIMILAR.

The government of God and the civil government rest entirely upon different foundations in their methods of operation. God's government rests and operates upon the divine ideal of the principle of love, while the civil government functions upon the principle of force. Love is the fulfilling of the law of God in the divine government, while force and the exaction of stern justice are the requirements of the civil authority. In God's government the offender who acknowledges his offense and confesses his guilt to God obtains mercy and justification before God the same as though he had never sinned, if he trusts in the atoning blood of Christ for his salvation.

How often can the offender come to God and receive mercy? "Seven times?" asked Peter. "Yea, seventy times seven" answered Christ. But it is not so with the magistrate of the civil government. He must punish the criminal for his offense even though he is sorry and begs for mercy. The more often he commits offenses the greater will be his punishment with the civil magistrate. But in God's government and plan, where sin did abound grace did much more abound. It is a serious mistake to confuse God's government, which is heavenly and spiritual, with the governments of earth.

"My kingdom is not of this world," said Christ, when He answered the question, whether he was the King of the Jews. A failure to draw the distinction between the divine and the

human government, between divine laws and civil statutes, between divine and secular institutions, and between the obligations we owe to God and the duties we owe to man, has been the primary cause of all the religious persecutions in the past. In fact, the failure to draw the line of demarcation has been the root cause for the institution of the old régime of a church and state union, and the only hope of avoiding its baneful fruitage is an absolute separation of church and state, not only in theory but in practice.

#### STATE DEALS WITH CRIME, NOT SIN.

The state can only deal with crime, not with sin. It is a civil institution and can only deal with civil matters. Sabbath observance is a religious duty and not a civil duty. What is civil on Monday is civil on Sunday, and what is criminal on Sunday is criminal on Monday. To prohibit and penalize legitimate business and innocent amusements on a civil holiday is not in harmony with civil legislation respecting the Fourth of July or Washington's Birthday. We do not penalize men for working or amusing themselves on these civil holidays. Why should they be punished for doing the same things on Sunday, if all are merely legal and civil holidays? An act is criminal because of the nature of the act, that is *malum in se*.

The only reason that can be given for making voluntary legitimate business and innocent amusement criminal on Sunday and not on Monday is a religious reason. But the civil government can not step into the domain of religion without passing its legitimate bounds and usurping the divine prerogative as well as infringing upon the rights of conscience and the guaranties of religious liberty. The claim that compulsory Sunday observance is not religious but civil is an utterly false claim and contrary to all the facts of history and sound reasoning. Back of every Sunday law is the Sunday Sabbath institution, and this institution both in its origin and history has been cradled and fostered in religion and advocated by religionists for purely religious purposes. It came into existence by the decision of church councils more than three centuries after Christ, and was not instituted and enacted into law for any economic or civil reason, but for the purpose of commemorating a religious event, namely, the resurrection of Christ. Its status was altogether religious and its observance was optional until the church and state were fully united, and then it became compulsory and was established in law as a legal precedent and justification for all the subsequent religious legislation.

If it is argued that civility must be maintained on the first day of the week, and therefore Sunday laws are necessary, we answer that no such special legislation is needed, because the laws which guarantee police protection and require civility on other days of the week are adequate to do the same on Sunday. Religious services are protected from disturbance by civil laws upon every day of the week, and there is absolutely no more need for extra legislation along this line on Sunday than there is to protect the midweek prayer meeting or funeral service from being disturbed.

#### SHEER IDLENESS A CURSE.

Enforced idleness is all that a Sunday law stands for, since we are no longer compelled to go to church, but enforced idleness never tends to civility. Idleness is one of the greatest curses that has afflicted this world. It is the breeder of vice and crime, of dissipation and disorder. Enforced idleness for the nonreligious and ungodly opens the door of temptation to many evils, and does more to lead men to prison and the gallows than honest labor or innocent amusements. The sincere believer needs no law, aside from the divine law, to induce him to observe the Sabbath day, and the unbeliever and godless can not be made to observe it if 10,000 laws are enacted.

#### NOT NECESSARY FOR PHYSICAL WELFARE.

The Japanese and Chinamen are physically the two strongest races in the world. Their physical endurance is without a rival, according to reliable statistics, and yet neither of these people for centuries knew anything of a Sabbath day. Every day was alike to them, and this proves that the Sabbath was never made for the purpose of sitting all day in an easy-chair or lying in bed recuperating the physical energies, as is so often asserted. The Sabbath is spiritual, and its rest is the rest of the soul and not necessarily of the body. Christ was more active bodily and mentally on the Sabbath ministering to the needs of suffering humanity than on the other days of the week, according to the accounts of the New Testament. The Sabbath was not made to leisurely twiddle our thumbs, but to do the works of God for the good of humanity. God made the night for the physical rest of the body, and eight to nine hours of rest at night is sufficient to recuperate the wasted energies of the normal man. Spiritual and physical things ought not to be confused.



## THE DANGER OF CHURCH DICTATION IN POLITICS.

The petition of our Methodist brethren shows the real danger that is incipient in their movement for religious legislation and in their demands upon Congress for a national Sunday law. In the last paragraph of their proposed bill for a national Sunday law they actually advocate the confiscation of property and forfeiture of business, and in their petition they advocate the extreme penalty of death for all those who refuse to observe Sunday in harmony with their ideas. Moreover, every misfortune, accident, crime, and calamity in the world that has absolutely no connection with the subject under consideration is, nevertheless, laid at the door of their opponents who do not agree with them and whom they call "Sabbath breakers." Every ill of life is charged to the guilt of "the Sabbath breaker." This is exactly the old argument that the Puritan set up against the Sabbath breaker of colonial times. It is the same argument the religious legalist set up against his enemies under the old régime of a church and state union in medieval Europe. Under this specious line of reasoning men felt justified to mete out the extreme penalty upon men, women, and children who were perfectly innocent of any crime, but who dared to assert their own convictions in the face of legal religious precedents in which they had no faith. Such reasoning is destructive of the ends of justice and the rights of all men before God and under the Constitution. In it are couched all the horrors and persecutions of former days. If it is to prevail again, it would endanger the most sacred rights and the very life of the noblest of men.

"Murdering the Sabbath is worse than murdering men," says the petition. We hang and execute men for murdering men, and if murdering the Sabbath is worse than murdering men, there can be no punishment too severe for the violator of their drastic national Sunday law. If the logic of this kind of reasoning is to be taken at its face value, if these men ever got in control of the Government, it would not be long until the streams of America would flow crimson with the blood of martyrs as they once did in medieval Europe under the church and state régime.

Again, the petition asserts without qualification that "the Sabbath breaker is digging the grave of his \* \* \* nation." It can be readily seen, if a man is charged with the guilt of destroying "the Nation" and digging its grave, that the violation of a Sunday law on this premise can be made a treasonable charge, and when convicted of violating a national Sunday law the death sentence is the logical penalty for the offender. This is the way the old-time Puritans reasoned when Roger Williams was put on trial for protesting against their drastic Sunday laws in New England, when they decided to send him into exile. Such reasoning can find justification for any penalty that bigots have the ingenuity to invent, and at the same time feel the assurance that they have done the will of God.

## MISSTATEMENT OF FACTS.

The petition asserts that—

Congress has passed some Sunday laws; why not pass a Sunday law for all? Congress enacted a law to close the World's Fair, at the St. Louis Fair, and the Norfolk Fair on Sunday.

Again—

Our Federal Constitution (Art. 1, Sec. 7) expressly secures (Sunday) as a day of rest for our President.

Again—

Congress, our legislatures, and our court officials do not do business on Sunday. If all these stop on Sunday, why should trains and newspapers run on Sunday?

It is true that Congress passed laws that these various national fairs and exhibitions should close their doors on Sunday. This was done to be in harmony with the local laws, and not because the Federal Government favored a Sunday law. When the World's Fair was held in San Francisco, Calif., a few years ago, no such Sunday closing provision was attached because California had no Sunday law.

Again, our Federal Constitution does not compel the President to observe Sunday as a day of rest, but simply provides that—

If any bill shall not be returned by the President within 10 days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it.

But Congress did not intend by this act to make Sunday observance mandatory under penalty. There is a vast difference between a privilege and a command. It is true that Congress, our legislatures, and our courts are not in session on Sunday as a general rule, but there is no law preventing them from being in session and doing business on Sunday. Frequently they are in session all day Sunday, and no one is penalized for such conduct. It is a voluntary custom to regard Sunday as an unofficial day or a day known in law as non dies—no day at all.

But this is far from what the proposed national Sunday law is to be. It has the most drastic penalties for nonobservance of Sunday attached to it that have ever been suggested since the days of the Puritans.

The petition further states that the "United States Supreme Court sustains laws against Sunday trains," and then quotes the case of *Hennington* against State of Georgia, in One hundred and sixty-third United States, page 304. Also, the New York Supreme Court is cited holding that the printing and selling of newspapers on Sunday is illegal.

There would have been just as much logic if the petitioners had quoted the decision of the Supreme Court of the United States on the *Dred Scott* case, and stated that the Supreme Court still sanctioned slavery, and that the Negro had "no rights which the white man was bound to respect," as for them to quote these obsolete decisions of the past concerning the illegality of Sunday trains and Sunday newspapers. Another mistake is made by the petitioners in quoting obiter dictum statements as valid court decisions on this question. This is misleading and confusing so far as the layman is concerned, but should not be to the legal mind.

## THE REAL DANGER.

We are not fearful that this proposed Sunday bill will become a law in this session of Congress. Its drastic features are sufficient to defeat the proposed bill for the present. But the real danger lies in a compromise bill and the pending Sunday bills before Congress which are less drastic. If these milder compulsory Sunday observance bills are enacted into law, the entering wedge has been driven between the folds of the legislative doors of Congress, and that is exactly what the "professional reformers" and "Christian lobbyist" are waiting for. These mild Sunday measures for the District are merely to serve the purpose of establishing a legal precedent which the reformers will follow up to their advantage for more stringent legislation later on. We therefore petition your honorable body not to pass any of the pending compulsory Sunday observance measures, such as S. 1948 and H. R. 4388.

## SUNDAY OBSERVANCE RELIGIOUS, NOT CIVIL.

Legislation to compel people to observe Sunday, or to regulate their conduct on Sunday in harmony with the ideals of certain religionists, is not civil but religious legislation. Sunday is a religious institution, and for fifteen hundred years Sunday laws under the old order of things were recognized as purely religious, and it is a mistake to presume that these same laws are civil now simply because the State enacts them and the civil magistrate enforces them. Merely calling the Sabbath or Lord's Day a civil institution and its observance a civil obligation does not make it so. Calling a spade a crowbar does not make it such. When civil law is employed to enforce any of the divine or church institutions, it is done in violation of the true principles of Christianity and is a commingling of civil and religious functions which ought to remain forever separate. The civil government when it exercises its legitimate powers can only deal with civil affairs.

God ordained the civil government to protect the equal rights of all men, but not to deprive any man of his natural rights, so long as he respects the equal rights of his neighbor. The functions of the state are purely secular and the functions of the church are spiritual, and Christ drew a sharp line of demarcation between these two when He said, "Render therefore unto Caesar the things that are Caesar's, and unto God the things which are God's." (Matt. 22:21.)

No greater misfortune could possibly happen to the cause of Christ on earth than for the professed representatives of the church to seek an alliance with the state. If there is one lesson that the Christian church ought to learn from the ecclesiastical history of the past, it is that a religio-political church is predestined for ultimate sorrow and desolation. The political church may have her triumphs, but just as sure as the night follows the day her carnal and earthly glory will be turned into retributive shame and bitter humiliation.

The church in politics has progressed beyond the stage of experimentation. She need not try the experiment over again to find out how it works. It has been tried a hundred times since the day that Nebuchadnezzar cast the worthies into the fiery furnace and Darius, the Mede, threw Daniel into the den of lions, and each time the experiment has failed. Persecution is not any sweeter when it comes from a bigoted Christian than from a fanatical pagan. The evil results of a union of church and state have always been the same, no matter who the votaries or how sincere the purpose. There can be no religious liberty when the government is made custodian of religion and the soul of man is shackled with civil incapacities in matters of faith.



## CHURCH AND STATE BOTH SUFFER.

The church gains nothing by appealing to force in religion and the state loses much of its stability by making hypocrites out of its citizens in attempting to make them act as though they were religious when they are not. It is for the good of religion and the state that the conscience should be left free, and that the Sabbath day should not be turned into a curse and crime producer through compulsory idleness and the ship of state wrecked upon the old rock of a union with the church by seeking to protect and foster some form of religion by civil law. For this reason we call attention to these fundamental principles and earnestly protest against all Sunday bills pending before Congress and against governmental interference in religious matters.

## RELIGIOUS LIBERTY A BOON TO THE WORLD.

Religious liberty is the beacon light which dispelled the gloom of the Dark Ages and emerged men from the despotism of the Middle Ages into the freedom, progress, and enlightenment of modern times. Religious freedom has made America great and prosperous. Religious liberty is the political hope of the world, and if this precious heritage is to perish from the earth this old world is doomed. If this world turns back to the old times of tyranny over the souls of men, the God of heaven will write "Tekel" on the walls of every legislative hall, and He will arise to avenge His injured name and to vindicate His suffering cause. In the name of those who made the Declaration of Independence possible and wrote the guarantees of civil and religious liberty into our fundamental law, we ask your honorable body not to pass any religious compulsory Sunday observance measures, that the great purpose of our Government may be maintained to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The principles of the founders of our great Republic are our principles.

Respectfully submitted.

C. S. LONGACRE,  
General Secretary of the  
Religious Liberty Association of America.

## HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 8107. An act to control importations of dyes and chemicals; to the Committee on Finance.

H. R. 8117. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1922, and for other purposes; to the Committee on Appropriations.

H. J. Res. 183. A joint resolution imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person when reimported into the United States; to the Committee on Finance.

## COMMISSIONED PERSONNEL OF THE ARMY.

Mr. BORAH. Mr. President, I beg the indulgence of the Senate for just a moment. A few days ago I called attention to the fact that at the present time we have some 14,000 commissioned officers in the Army, with an Army now of only 150,000 men. I read in the press dispatches that upon the 22d of August there will be an examination with the hope of securing a thousand more commissioned officers. I have gone over the military law which we passed here some time ago to see if there was anything in it mandatory, compelling the Secretary of War to hold such examinations and to issue further commissions, but I do not find anything in the law to that effect.

It seems to me, Mr. President, that in view of the present condition of the Treasury, of our campaign for economy, and of the fact that we now have 14,000 commissioned officers in an Army of only 150,000 men, unless it is mandatory that further examinations for commissioned officers shall be held, it ought not to be done; and that if it is mandatory, and the Military Affairs Committee so understands, it is our first duty to repeal or modify the law so as to prevent any such examinations. It is almost unthinkable that we shall add a thousand more to the commissioned officers of the Army, with an Army of only 150,000 men.

I call attention to this matter this morning, Mr. President, for the reason that unless some suggestion is made by the Military Affairs Committee itself, I shall be disposed to offer a resolution designed to cover the situation.

The PRESIDING OFFICER. Morning business is closed.

## AFFAIRS IN MEXICO.

Mr. KING. Mr. President, on the 9th instant the Senator from Texas [Mr. SHEPPARD] presented a resolution passed by the Legislature of Texas favoring the recognition of the present Government of Mexico. The resolution, among other things, declared in favor of "the immediate favorable recognition on the part of the Government of the United States of the Government of Mexico as administered by President Obregon." It further declared that copies of the resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to "his excellency the honorable Alvarado Obregon, President of the Republic of Mexico."

I shall not comment upon the action of the legislature of the Lone Star State nor shall I comment upon the propriety of its action in recognizing Mr. Obregon as President and in ordering a copy of the resolution forwarded to "his excellency the honorable Alvarado Obregon, President of the Republic of Mexico." Of course, it was known that the United States had not recognized the Obregon régime and that recognition can only be accorded by the General Government. There are some who may feel that this resolution was ill-timed and perhaps in contravention of the principles and rules which should govern in diplomatic affairs.

I have received a number of communications protesting against the recognition of the so-called Obregon government until that government shall accede to the suggestions made by the Secretary of State, Hon. Charles E. Hughes.

Senators are familiar with the position taken by the former administration as that position was declared in the letter or paper of former Secretary Colby to the representative of Mexico. Secretary Hughes has announced with precision and clarity the attitude of the present administration and the steps to be taken by Mexico if she desires recognition at the hands of the United States. I desire to express my approval of the action of Mr. Colby and of the position taken by the present administration in relation to this matter. Secretary Hughes by his wise and statesmanlike course in the high position which he occupies has commanded the confidence of the American people. His admirable state papers and his treatment of the important questions brought to his attention have demonstrated his preeminent qualifications for the responsible position to which he has been called. In dealing with Mexico he has sought to protect the honor of his country as well as the interests of the American people. In so doing he has been considerate of the Mexican people and observed the highest principles of international morality which should obtain among nations, and he has evinced profound interest in Mexico and manifested deep solicitude for the welfare, happiness, and prosperity of the Mexican people. I feel sure that both President Harding and Secretary Hughes would welcome a situation which would remove every impediment to the most cordial relations between Mexico and her people and this Republic and the American people.

The United States desires now, as it has always desired, the happiness and peace and prosperity of our neighboring Republic. The American people entertain the kindest feelings for Mexico and regret the tragic pages which record the latter's internal confusions and her international misunderstandings.

The terms indicated by Secretary Hughes as conditions for the recognition of the Obregon government involve no humiliation to Mexico or her people and, indeed, are consistent with the most fastidious standard that might be adopted by the most punctilious nation. The American people have interests in Mexico—interests which were acquired under law and with the approval of the Mexican people. They have property within the Mexican Republic worth more than \$1,000,000,000. The capital invested profited Mexico and was of material advantage to the Mexican people.

Many Americans have been murdered by the agents, officers, and soldiers of the Mexican Government, and also by Mexican nationals. Thousands have been driven from Mexico and large numbers have been subjected to indignities and outrages which call for redress. Hundreds and perhaps thousands of Americans who have been driven from their property and homes in Mexico are scattered along the Mexican border for 1,500 miles, and their appeals for redress are unanswered. Not only personal property but real property has been seized by the Mexican Government and by many of the Mexican people; and property of the value of millions, if not hundreds of millions, of dollars has been confiscated. For years attempts have been made to secure redress and to obtain compensation for the thousands of Americans whose claims are so appealing.



I am opposed to recognizing the Obregon government or any government in Mexico until reparation has been made and guaranties have been given for the protection of American rights and American property.

Either the Mexican Government or States within the Mexican Government are now confiscating, under agrarian laws which have been enacted, lands which have been owned by Americans for many years and which have cost them in toil and in treasure thousands and indeed millions of dollars. Some of the Mexican States are now seizing lands owned by Americans and dividing them among Mexicans. No compensation is made to the American owners. Worthless paper is given them or promised them under the terms of which the State within which the property is located will make compensation. But most of the States of Mexico are bankrupt, and the Mexican Government is unable to meet its obligations.

The plain fact is that American property is being expropriated and Americans are daily being robbed and despoiled of valuable property which they have acquired in an honest and legitimate manner. A Government that will not protect those who are lawfully within its borders, which robs them of their property and refuses to make reparations for wrongs done, can not expect recognition from a Government whose nationals are the victims of injustice and exploitation.

If the present régime in Mexico will agree to the appointment of an international commission to ascertain the damages to which Americans are entitled and will agree to satisfy the awards made, and will further agree to stipulate treaty provisions for the protection of American lives and American property, there will be no obstacle to its prompt recognition.

Mr. WATSON of Georgia. Mr. President—

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. It was not with any purpose of antagonizing at all the view expressed by my friend, the Senator from Utah, that I rose; I concur with him in the high compliment which he has paid to our Secretary of State, one of the finest figures in the public life of the world; but I should like to suggest to the Senator that both President Taft and President Wilson refused to recognize Huerta because his hands were dripping with the lifeblood of President Madero. Do not the hands of President Obregon drip with the blood of President Carranza; and is not this the highest moral stand which we can take when we refuse to recognize this accomplice in murder?

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. KING. I yield.

Mr. ASHURST. I know that the Senator from Georgia desires the facts. Mr. President, the State of Arizona last January, through her legislature, unanimously petitioned the Congress to urge recognition of the Obregon government. If any State in this Union has suffered through the revolutions and disorders in Mexico it has been Arizona; indeed, hundreds of her citizens who went into Mexico were killed, millions of dollars worth of property of our nationals in Mexico, honestly acquired, have been confiscated and destroyed, and some citizens of the United States while in the United States were killed by Mexican bandits, who fired guns across the border and into Arizona. If there be a State that understands the "Mexican situation" it is Arizona. Yet, I repeat, through her legislature she unanimously petitioned the Secretary of State to extend recognition to the Obregon government. The State of Texas only 15 days ago took similar action. Texas is a border State and fully understands the Mexican question. The State of Michigan, through her legislature, petitioned for the recognition of the Obregon government; the State of Illinois has done likewise, as has also the State of Oklahoma and California.

Now, to come to the question as to whether or not the hands of President Obregon are clean, these States would never urge the recognition of a man with unclean hands. I believe President Obregon is a man of character. The Senator from Georgia will remember that when President Carranza, fleeing from the City of Mexico and whilst near a little village called Tlaxcalantongo, in the fastness of a tropical jungle, was slain, Gen. Obregon sent out a message that was worthy of a Washington or a Caesar. He denounced those persons who were expected and supposed to guard Gen. Carranza and give him safe conduct, and said—and I am only giving the substance of his message—"What is your excuse for living? It was your duty as a soldier to defend Gen. Carranza to the last. Had you defended him and died with him, you would have escaped the imputation of cowardice, and would have at least been at peace with your conscience." No message ever written by a Mexican attracted

attention to that nation as did those brave words of Obregon in condemning those who were supposed to guard Carranza, but who, through carelessness or treachery, allowed him to be slain.

Mr. WATSON of Georgia. With the permission of the Senator from Utah, will the Senator from Arizona allow me to ask him a question?

Mr. ASHURST. I have not the floor. I am speaking merely by the courtesy of the Senator from Utah.

Mr. KING. I yield.

Mr. WATSON of Georgia. Has Obregon punished anybody for the murder of Carranza?

Mr. ASHURST. Mr. President, to be direct, I do not know, but I feel—in fact, I believe—that he has made every effort within his power to punish the perpetrators of the murder of Gen. Carranza. I join with the Senator from Georgia in denouncing the killing of Gen. Carranza as a brutal, unwarranted killing.

Mr. WATSON of Georgia. It was a most cowardly crime.

Mr. ASHURST. It was a brutal, cowardly crime, and stains the annals of Mexico, as it would stain the annals of any country.

Mr. WATSON of Georgia. But Obregon has done nothing to avenge it.

Mr. ASHURST. So far as I know, he used every effort in his power to do so; but since he took charge of the executive branch of the Government of Mexico he has labored under some difficulties; criminals must be apprehended before they are punished. No recognition has been extended to him by our Government so far, and yet he has set up a government that provides a tolerably fair system of law and order. Pullman palace cars go safely from the border to the City of Mexico and return, and only last year we imported from Sinaloa, in Mexico, several hundred carloads of tomatoes and other vegetables, testifying to the fact that peace, order, and tranquillity prevail in many portions if not in all portions of Mexico.

Mr. WATSON of Georgia. Perhaps that is true where the other fellows have been killed.

Mr. ASHURST. I am not especially interested in Gen. Obregon. It so happens that I have known him for years. He is a man of high impulses, and I believe a man of integrity.

I do not believe that Congress should attempt to force the hand of the State Department on this subject, however, for, although I presented to the Senate the resolution adopted by the Arizona Legislature, I recognize that the question of extending recognition to the Obregon government is the function and duty of the State Department.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oregon?

Mr. KING. I will be through in a moment.

Mr. McNARY. I call for the regular order.

The PRESIDING OFFICER. The regular order is the calendar under Rule VIII. Without objection, the Secretary will begin with Order of Business 183.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Pomerene
Ball	Hale	McKellar	Sheppard
Borah	Harrell	McLean	Shortridge
Brandeggee	Harrison	McNary	Simmons
Calder	Heflin	Nelson	Smoot
Cameron	Jones, Wash.	New	Sterling
Capper	Kellogg	Norbeck	Sutherland
Culberson	King	Oddie	Walsh, Mass.
Curtis	La Follette	Overman	Watson, Ga.
Dillingham	Lenroot	Pittman	Willis
Fletcher	Lodge	Polindexter	

Mr. HARRISON. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is detained from the Senate by illness.

Mr. CURTIS. I desire to announce the absence of the junior Senator from New Hampshire [Mr. KEYES] on account of a death in his family. I will let this announcement stand for the day.

The PRESIDING OFFICER. Forty-three Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. JONES of New Mexico, Mr. WARREN, Mr. WATSON of Indiana, and Mr. WILLIAMS answered to their names when called.

Mr. CURTIS. I desire to announce the absence of the senior Senator from Pennsylvania [Mr. PENROSE] on official business. I will let this announcement stand for the day.



Mr. BROUSSARD, Mr. MCCORMICK, Mr. ERNST, Mr. CARAWAY, Mr. SWANSON, Mr. JOHNSON, and Mr. STANLEY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators having answered to the roll call, there is a quorum present.

#### CONTRACTS FOR THE FUTURE DELIVERY OF GRAIN.

Mr. CAPPER. The Senator from Iowa [Mr. KENYON], who was appointed a member of the conference committee on H. R. 5676, known as the future trading bill, is out of the city, and will not be here for a week or more. I ask unanimous consent that the Senator from Oregon [Mr. McNARY] be substituted for him on that conference committee.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The calendar under Rule VIII is in order.

#### FREE TRANSIT THROUGH PANAMA CANAL.

Mr. BORAH. Mr. President, before we take up the calendar under Rule VIII I wish to make a request in regard to Senate bill 665, Order of Business 121. That has been made the unfinished business, but a number of Senators have expressed a desire for more time in which to consider the bill. Under the circumstances I do not feel that I ought to force it to speedy action, even if I could, and I am going to ask for unanimous consent for a time to vote. If I can get that, the Senators can have as much time to discuss it as they choose.

I ask unanimous consent that upon the 3d day of October, at 4 o'clock p. m., or upon the first day thereafter on which the Senate is in session, the Senate shall proceed to vote upon this bill and all amendments thereto without further debate.

Mr. WILLIAMS. What bill is it?

Mr. BORAH. The free tolls bill.

Mr. HARRISON. Mr. President, why does the Senator desire to defer a vote upon this matter until after the proposed recess?

Mr. BORAH. To be frank about it, in the first place a number of Senators have insisted upon it, claiming that they have not had the time to prepare. The second proposition is that I do not know whether I can keep a quorum here. I do not want to be left without a quorum and at the same time be insisting that Senators shall prepare. I am perfectly willing myself, of course, to fix this vote for next Friday, but Senators are not ready to debate the bill.

Mr. KING. Mr. President, I hope the Senator from Mississippi will not object, and I want to thank the Senator from Idaho for the request which he has made. Speaking for myself and for several other Senators, we are not ready for a vote now. I was one of the number who requested the Senator from Idaho not to ask for a vote before the recess, and I sincerely hope the Senator from Mississippi will not object to the request of the Senator from Idaho.

Mr. HARRISON. I am glad the Senator from Utah has made that statement, because, perhaps, that is the reason why the vote is put off. The other day, when a motion was made to take up this matter for immediate consideration, I was somewhat surprised, because I had read in the papers that President Harding was very much opposed to having the bill considered at this time; that he desired to have it come up after the recess and after the disarmament conference; that he wanted to take up diplomatic negotiations and try to settle these differences in that way. But when all of the Senators on the other side of the aisle voted for the motion I thought, perhaps, the President had changed his mind and had no objection to its immediate consideration.

So I was a little curious when the Senator from Idaho this morning made the motion for a vote to be taken on October 3. But I presume it is because the Senator from Utah [Mr. KING] requested it of the Senator from Idaho, and that is the reason why it is to be placed over until October and not because he wants to comply with the President's wishes in the matter.

Mr. BORAH. Mr. President, I can say with the utmost sincerity to the Senator from Mississippi that it was upon the request of the Senator from Utah and other Senators, some upon the other side and some upon this side, that I consented to this proposition, and in view of the fact that I know we can not finish the consideration of it between now and Friday—and I do not expect a quorum here after Friday—

Mr. HARRISON. I am not going to object.

Mr. BORAH. Furthermore, Mr. President, I think I ought to say, in justice to the President, that the President assured me he had no objection to the consideration of the bill and that he favors free tolls. That was some time ago, however. I do not intend to postpone it until after the disarmament conference; neither do I intend to consent that the question as to what

we shall do with our domestic trade shall be taken up for consideration with foreign nations. That is a business of our own. I take the position that our domestic trade is a matter for the consideration of this Government and that we are under no obligations—treaty obligation, courtesy, comity, or any other obligation—to consult foreign powers.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. I should have been very glad, Mr. President, if the paramount reason prompting the Senator from Idaho to consent to a postponement of a vote upon this measure was bottomed upon the fact that the President of the United States is negotiating with Great Britain, as I hope he is, with reference to the matter. A discussion will reveal the fact that there is sharp controversy as to whether or not the bill of the Senator from Idaho, if passed, would contravene a treaty existing between the United States and Great Britain. I hope that the President of the United States is considering this matter, and I feel, Mr. President, that so long as it is the subject of negotiation between the Executive of the United States and the Government of Great Britain, Congress could afford to defer consideration of it. Speaking for myself, I should be glad if we could postpone the consideration of the bill until the President of the United States indicated there was no diplomatic situation which should occasion any postponement of action by the Senate and by Congress.

I again thank the Senator, however, for his courtesy in postponing consideration until October.

Mr. BORAH. Mr. President, I have submitted a request for unanimous consent.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary will state the request.

The ASSISTANT SECRETARY. The Senator from Idaho asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Monday, October 3, 1921, or at not later than the said named hour on the first calendar day thereafter on which the Senate may be in session, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 665) to provide for free tolls for American ships through the Panama Canal.

Mr. SIMMONS. I would like to inquire of the Senator from Idaho if he knows when we are expected to take a recess, and for what length of time?

Mr. BORAH. The resolution which has been introduced provides that the recess shall run to the 19th of September.

Mr. SIMMONS. Is it the Senator's idea to make the bill the unfinished business as soon as we reassemble after the recess?

Mr. BORAH. It is my idea to have it discussed, but I do not expect to keep it the unfinished business and keep it before the Senate, because we will have the tariff bill and the tax bill for consideration. I am simply fixing a day for a vote. Of course, Senators can discuss any measure, whether it is before the Senate or not.

Mr. SIMMONS. But, Mr. President, if we meet on the 19th of September and vote on the bill on the 3d of October, and the time between those dates is taken up in discussing the tariff or the tax bill, there will be no time to discuss this measure. This is a very important proposition. We have twice discussed the question of Panama Canal tolls in the Senate, and twice acted on it. Both times we had lengthy discussion. I think the last time the debate and the general consideration occupied several weeks in the Senate. I do not think we ought to enter into a unanimous-consent agreement which will not provide ample opportunity for the discussion of this bill.

Mr. BORAH. I had thought that between the 19th of September and the 3d of October would be ample time to discuss it. Of course, I did not suppose it would be constantly before the Senate, but I am seeking to accommodate the situation to the requests of other Senators. If the Senator from North Carolina desires to object to the proposed agreement, I will go ahead with the bill as long as I can.

Mr. SIMMONS. I simply want to suggest to the Senator that he make the date a little later than the 3d of October. The Senator has said himself that he expects the Senate to take up the revenue bill when Congress reassembles, and I am very much afraid that we are providing for an arrangement which will preclude very much discussion or which will probably allow practically no discussion of this very important measure.

Mr. BORAH. Would the Senator be satisfied if the 10th of October were fixed as the date when the vote shall be taken?

Mr. SIMMONS. I do not think I would object to that.

Mr. BORAH. Then I will change the date to the 10th.

Mr. FLETCHER. I suggest that the request now is quite ambiguous. The Senator proposes to have a vote taken on the 10th of October or at some other time. I should think he had better make it read "on the 10th of October, if the Senate is then in session, or on the first day thereafter when the Senate is in session."

Mr. BORAH. Very well, make it the 10th of October if we are in session, or the first day thereafter when the Senate is in session.

Mr. WILLIAMS. Is it the Senator's request that we shall take it up at that time?

Mr. BORAH. No; to take a vote at that time. It is the unfinished business now. I want to provide for a vote. I would not desire to get an agreement to take it up at that time merely, and to let it run along, because the tariff bill or the tax bill will be here. But in the time which elapses between now and the 10th of October, in view of the fact that this matter has been discussed from every possible angle in the past, my view of it is that a discussion will not enlighten the Senate very much. But I do not want to deprive anyone of an opportunity who wants to discuss it.

Mr. WILLIAMS. To attempt to enlighten the Senate.

Mr. BORAH. To attempt to enlighten us; that is better.

Mr. SHEPPARD. Should not the roll be called?

The PRESIDING OFFICER. The Secretary will first report the proposed unanimous-consent agreement as it has been modified.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that at not later than 4 o'clock p. m., on the calendar day of Monday, October 10, 1921, if the Senate is in session on said date, or at not later than the said named hour on the first calendar day after October 10 on which the Senate may be in session, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 665), to provide for free tolls for American ships through the Panama Canal.

The PRESIDING OFFICER. Is there objection?

Mr. SHEPPARD. The roll should be called.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary informs the Chair that the roll has just been called, and that there has been no intervening business; but this is not the suggestion of the absence of a quorum. The rules require the calling of the roll when unanimous consent is asked for fixing a date for a vote upon a measure. The roll will be called.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCormick	Sheppard
Ball	Hale	McCumber	Shortridge
Borah	Harrell	McKellar	Simmons
Brandegee	Harrison	McLean	Smoot
Broussard	Heflin	McNary	Stanley
Calder	Johnson	Nelson	Sterling
Cameron	Jones, N. Mex.	New	Sutherland
Capper	Jones, Wash.	Norbeck	Walsh, Mass.
Caraway	Kellogg	Oddie	Watson, Ga.
Culberson	King	Overman	Watson, Ind.
Curtis	La Follette	Pittman	Williams
Dillingham	Lenroot	Poinexter	Willis
Fletcher	Lodge	Pomerene	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum of Senators present. The question is on the unanimous-consent agreement proposed by the Senator from Idaho. The Secretary will state the proposed agreement.

The ASSISTANT SECRETARY. The Senator from Idaho [Mr. BORAH] asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Monday, October 10, 1921, if the Senate is in session on said date, or at not later than the said named hour on the first calendar day after October 10 on which the Senate may be in session, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 665) to provide for free tolls for American ships through the Panama Canal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into.

#### THE CALENDAR.

Mr. SMOOT. Mr. President, I ask that we proceed to the consideration of the calendar under Rule VIII, and I ask unanimous consent that we begin with Order of Business No. 183, and that we consider only bills to which there is no objection. No. 183 is where we left off the last time the calendar was considered.

The PRESIDING OFFICER. The Senator requests that only bills to which there is no objection shall be considered?

Mr. SMOOT. Yes.

The PRESIDING OFFICER. Of course, that is not under Rule VIII. Under Rule VIII a motion may be made to proceed to the consideration of a bill notwithstanding the objection.

Mr. SMOOT. I am aware of that. I ask that only bills be considered to which there is no objection.

The PRESIDING OFFICER. The Chair merely wished to understand the request. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first business on the calendar under the unanimous-consent order.

#### HAROLD KERNAN.

The bill (S. 405) for the relief of Harold Kernan was announced as first in order on the calendar.

Mr. KING. Mr. President, may I make an inquiry of some Senator who has the bill in charge? Do the facts warrant the appropriation? It seems to me that if the Government appropriates for losses whenever any custodians of public funds are robbed or the funds are lost through embezzlement or otherwise it will be establishing a precedent that may be very costly to the Government.

Mr. BROUSSARD. Mr. President, may I state to the Senator that this officer was connected with the quartermaster's department and it was customary to transmit money from the quartermaster's office to the financial agent at Brest, which was a short distance away. The money was given to an enlisted man to be carried over. In doing this the officer had simply followed the precedent established there.

Mr. SMOOT. Mr. President, reading the letter of the Secretary of War—

Mr. BROUSSARD. That is what I wanted to bring out.

Mr. SMOOT. He states that the board which investigated the matter at the time of the loss held the officer responsible for not having provided the man with a sufficient guard. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

#### OSCAR C. GUESSAZ.

The bill (S. 753) for the relief of Oscar C. Guessaz was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Oscar C. Guessaz, out of any money in the Treasury not otherwise appropriated, the sum of \$100, as reimbursement for a horse lost while serving in the military service of the United States on or about the 13th day of January, 1899, at Camp Columbia, near Habana, Cuba.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ELIZABETH B. EDDY.

The bill (S. 1022) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy was announced as next in order.

Mr. KING. I should like some explanation in regard to this measure. It is not very clear from the report. Unless there is some explanation given, I shall object to its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

#### CAPT. EDWARD T. HARTMANN AND OTHERS.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others, was announced as next in order.

Mr. KING. I object.

Mr. McCUMBER. Mr. President, let me ask the Senator if he will not first permit me to make a short statement, and then if he feels that he ought to object he can do so.

Mr. KING. I withhold my objection for that purpose.

Mr. McCUMBER. The report shows on page 2 that the *Meade*, which was a Government boat, was injured—I think it was really sunk—by running on a reef, and among others this officer's baggage was entirely destroyed. The report shows that it was entirely the fault of Government officials.

I call the Senator's attention to a further fact. Some two or three of the other officers, by bills of the same character that have been introduced in the past, have received pay for the damage done to their baggage. Inasmuch as we have paid several of the others, will the Senator object to this officer receiving payment for the loss he incurred, as others have been paid for losses due to exactly the same cause?

Mr. KING. Any precedent established by the Senate would not influence me at all because we are more often wrong than we are right, so the argument addressed to me by the Senator does not have any effect at all. The question is whether the claim is meritorious and, if it is, whether the Senate heretofore acted favorably or unfavorably would be immaterial to me. I



will ask the Senator to let the bill go to the foot of the calendar and I will read the report in the meantime.

Mr. McCUMBER. I would rather pass it over and leave it where it is.

Mr. KING. Very well; let it be passed over.

Mr. McCUMBER. On the objection of the Senator I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 825) for the relief of certain officers in the United States Army was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. HEFLIN. What is the purpose of having the bill go over?

Mr. SMOOT. The purpose is that the report does not give any reason why the claims should be paid and I want to know.

Mr. HEFLIN. Oh, I beg the Senator's pardon.

Mr. SMOOT. There is not sufficient reason given to justify us in allowing the Government of the United States to pay such claims.

Mr. HEFLIN. The report is favorable, and the committee recommends that the bill pass with certain amendments.

Mr. SMOOT. Certainly, that is the committee report, but the mere fact that some committee thinks it ought to be paid, without giving any reasons, does not justify me in not objecting. I desire to have an opportunity to examine into it.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### ESTATE OF MOSES M. BANE.

The bill (S. 464) for the relief of the estate of Moses M. Bane was announced as next in order.

Mr. PITTMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### JAMES L. VAI.

The resolution (S. Res. 99) referring the claim of James L. Vai to the Court of Claims was announced as next in order.

Mr. PITTMAN. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### ADMISSION OF CERTAIN ALIENS.

The joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes, was announced as next in order.

Mr. PITTMAN. Let it go over.

Mr. DILLINGHAM. Will the Senator permit me to make a statement about the joint resolution before he asks that it shall go over?

Mr. PITTMAN. I asked that it go over because no one seemed to make a statement about it, and it is quite an important matter. I do not know that I have any objection at all, except that I do object to voting for something I do not know anything about.

Mr. DILLINGHAM. I will state the circumstances. The present immigration law went into operation on the 8th of June. At that time there were a large number of immigrants on the seas, and they came in during the month of June. The condition was presented where the department would have to deport about 5,000 of them. The hardship was such that the Secretary of Labor did not feel at liberty to do that, and he admitted them temporarily.

The joint resolution simply ratifies that act and provides that the number so admitted shall be applied on the quota under the existing law, so that at the end of the year no more will have come into the United States from those countries by reason of this joint resolution than would have come in otherwise. It simply provides that those who were admitted temporarily may be admitted permanently and the act of the Secretary ratified, but that they shall be counted upon the quota that would be permitted to come from the countries whence they came under the law itself.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. PITTMAN. The excellent explanation satisfies me, and I shall not make any objection.

The joint resolution was considered as in Committee of the Whole, and was read, as follows:

*Resolved, etc.,* That aliens of any nationality who are brought to the United States on vessels which departed from foreign ports on or before June 8, 1921, destined for the United States, and who apply in the month of June, 1921, for admission to the United States, may, if otherwise admissible, be admitted to the United States, although the limit prescribed by section 5 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, may have been reached before such application for admission. The number of aliens of any nationality so admitted shall be deducted, under such regulations as the Secretary of Labor may prescribe, from the number

of aliens of that nationality admissible, during the fiscal year beginning July 1, 1921, under the provisions of such act of May 19, 1921, but nothing in this resolution shall prohibit the admission of otherwise admissible aliens of any nationality during the month of July, 1921, up to 20 per cent of the number of aliens of that nationality admissible during such fiscal year under the provisions of such act of May 19, 1921, as heretofore promulgated.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CONSOLIDATION OF NATIONAL FOREST LANDS.

The bill (S. 490) to consolidate national forest lands was announced as next in order.

Mr. ASHURST. I should like to have an explanation of the bill from the chairman of the committee. I do not wish to object to its consideration.

Mr. SMOOT. Mr. President, this is a department bill. A similar bill has passed the Senate at the last session. The object of the bill is this: At every session of Congress there are private bills for the transfer of privately owned lands within a forest reserve in exchange for other public lands. I suppose there is not a session of Congress when there are not 10 or 12 such bills introduced. The department thinks, and so did the committee unanimously think, that it is best to pass a general law authorizing such transfers whenever the department desires to make the exchange. That is the purpose of the bill.

Mr. ASHURST. It will be remembered that nearly 20 years ago grave abuses were practiced—

Mr. SMOOT. I will say to the Senator that this is not a lieu land scrip bill at all. It simply provides that where any transfer can be made of land within a forest reserve owned by private individuals in exchange for other public lands the matter shall be passed upon by the Department of Agriculture and the Department of the Interior, and that they shall first find that the lands are of equal value and the same amount of acreage. If they so find, and that it is beneficial for the administration of the forest reserve, then the exchange may be made.

Mr. ASHURST. This applies to 160-acre tracts here or there?

Mr. SMOOT. It applies wherever a party owns land within a forest reserve or where he had title to his land before ever the forest reserve was created to include his land. Many of them desire to exchange the land, and the Government desires to make the exchange, for it may be right in the middle of a forest; and if the private owner of the land can get the same amount of land elsewhere from the public domain, and he desires to exchange it, then the Government for the better administration of the forests desires that it shall be done.

Mr. ASHURST. Mr. President, I appreciate the necessity for some bill of this kind, yet my State has been so terribly "stung" in these matters that it makes me probably overcautious. I know the committee have been unanimous in their report on this bill, and the chairman of the committee being most cautious and conscientious, I am inclined not to object. However, I simply wish to call the attention of Senators to the fact that about 20 years ago nearly a million acres—yes, a million acres—of land of a value of probably 10 or 15 cents an acre within forest reserves in Arizona was given up and transferred to the Government and lieu lands selected elsewhere worth \$200 an acre, and in some cases even more.

Mr. SMOOT. That was done, I will say to the Senator, through lieu land scrip. That is now done away with entirely.

Mr. ASHURST. This bill merely provides for an exchange of land?

Mr. SMOOT. It provides for an exchange of land.

Mr. ASHURST. I am opposed to the policy, but I shall not object, though I should like to have had a yea-and-nay vote on the bill.

Mr. SMOOT. The Senator from Arizona may object if he wishes to do so.

Mr. ASHURST. I shall not object. The Committee on Public Lands has passed upon the matter favorably, and I shall not set up my individual judgment against the judgment of that great committee of the Senate. I am not sufficiently egotistical to do that.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an

equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest in which they are located.

Mr. PITTMAN. Mr. President, the very matter which the Senator from Arizona has brought to the attention of the Senate was considered in the Committee on Public Lands. This bill was very carefully considered by the committee with a view that the mistake which originated under former acts might not be perpetuated under the pending bill. Under this measure there can not be more land granted to the private individual by the Government in exchange for the land within the reserve than he actually owns therein nor can it be of greater value. On the contrary, it may be a lesser quantity of land of an equal value; or the Government, if it sees fit, instead of exchanging land for land may give to the grantor of the land the right to cut timber in the forest reserve of equal value to the timber which he sells to the Government, but under the condition that it shall be cut in accordance with the Government regulations as to selling timber on forest reserves.

The real object of the bill has been stated by the Senator from Utah [Mr. Smoot]. When the Government lays out a forest reserve it frequently happens that right in the center of that reserve will be a timber claim that has been patented years before the forest reserve was established. It is very difficult for the Government to control fire on that privately owned land right in the midst of a great forest reserve. Therefore it is to the interest of the Government to get rid of the piece of privately owned land in the center of the forest reserve. The Government would rather have the settler on the edge of the reserve, so that it may consolidate its tracts. The individual also is greatly hampered by being surrounded by a Government forest reserve, because he is at the mercy of the Government with regard to the building of roads and trams which he needs for the cutting of his timber.

These matters have been coming up before the Public Lands and Surveys Committee of the Senate for years, and we have recognized the benefit both to the Government and the individual in numerous cases and have consolidated the land in individual instances. This is a general consolidation bill which the committee thought was very carefully drawn and which very carefully guarded the interests of the Government.

Mr. KING. May I ask the Senator from Nevada a question?

Mr. PITTMAN. Certainly.

Mr. KING. Does the Senator conceive of any condition or circumstance under which pressure might be brought against the individual occupants of land to coerce them into an exchange, or is there any possible oppressive course that might be pursued by the Government against individuals under the pending bill?

Mr. PITTMAN. There is not under this bill. Under the general power of the Government to regulate forest reserves, however, there is naturally a constant obstruction from which many individuals are trying to get away.

Mr. KING. I am familiar with that.

Mr. PITTMAN. There is no coercive power whatever contained in this bill.

Mr. KING. There is no method by which a man may be compelled to relinquish claims which are either inchoate or perfected or to accept land which is selected by the Government in some other part of the forest reserve?

Mr. PITTMAN. There is nothing whatever of that kind. I want to ask the senior Senator from Utah [Mr. Smoot] a question as to line 11, page 2, of the amendment, which reads in this way:

The Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the national forests—

If the land is privately owned land, is it within a national forest?

Mr. SMOOT. Yes; there is a quantity of privately owned land within national forests.

Mr. FLETCHER. That is a condition which we find in Florida where individuals own land within the general boundaries of a national forest. Of course, such land is not a part of the forest reserve, but it is within its boundaries.

Mr. PITTMAN. That is what I meant.

Mr. FLETCHER. It is within the exterior boundaries, but it is not within a national forest, because private land can not be within a national forest.

Mr. SMOOT. It is within the exterior limits of the national forest.

Mr. PITTMAN. That is what I thought was meant by the language.

Mr. SMOOT. I will say to the Senator from Nevada that we followed the exact wording that has always been used in cases of private bills relating to this matter.

Mr. PITTMAN. I understand that.

Mr. SMOOT. And this language is in accordance with the usual description of such lands contained in laws heretofore passed. I have no objection, however, to having inserted the words which the Senator from Nevada suggests.

Mr. PITTMAN. Then I suggest that there be inserted in the bill, before the words "national forests," in line 13, the words "exterior boundaries of the."

Mr. SMOOT. I have no objection to that amendment to the amendment.

Mr. PITTMAN. I offer that amendment to the amendment, to come in on page 2, line 13.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada to the amendment reported by the committee will be stated.

The ASSISTANT SECRETARY. On page 2, line 13 of the proposed committee amendment, before the word "national," it is proposed to insert the words "exterior boundaries of the," so that it will read:

Title to any lands within the exterior boundaries of the national forests—

And so forth.

Mr. SMOOT. That is all right.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. PITTMAN. There is one other matter to which I wish to call the attention of the Senator from Utah. In line 15, on page 2 of the amendment, the language reads:

And in exchange therefor may patent not to exceed an equal value of such national forest land.

Does the word "patent" there mean a patent to the grantor by the Government?

Mr. SMOOT. It applies both to the Government and to the private owner. The owner of the land, the exchange of which is made by the Government, must give a patent for that land to the Government of the United States.

Mr. PITTMAN. It reads "and in exchange therefor may patent"—

Mr. SMOOT. That is in exchange for the land within the boundaries of the forest reserve.

Mr. PITTMAN. I presume that means issue a patent to the individual who conveys the land to the Government.

Mr. SMOOT. It applies in both cases, I will say to the Senator.

Mr. FLETCHER. Would it not be better to have it read "patent or convey"?

Mr. PITTMAN. The bill reads:

and in exchange therefor may patent not to exceed an equal value of such national forest land.

I should think the word "patent" would hardly apply in an instrument such as a deed. I am not insisting on the suggestion, however.

Mr. SMOOT. When land is patented it means, of course, that a patent has been given for that land. The word is used in all similar legislation in that way, I will say to the Senator. The land is patented to the individual.

Mr. PITTMAN. I merely make the suggestion. I have no interest in the language.

Mr. SMOOT. I will say to the Senator this is the exact wording that was suggested by the department itself.

Mr. PITTMAN. They will have to interpret it.

Mr. JONES of New Mexico. Mr. President, I desire to call the attention of the Senator from Arizona to a further provision in the bill which I think will operate to safeguard all of the interests that the parties may have, and that is, that "before any such exchange is effected, notice of the contemplated exchange" shall be published in the county where the lands to be turned over to the Government are located and where the lands which may be given in exchange are located. It seems to me that the interests of all parties are safeguarded by the provisions of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.



The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. P. D. SHIEBLER.

The bill (S. 1541) for the relief of J. P. D. Shiebler was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. CALDER. Mr. President, if the Senator will withhold his objection for a few moments, I desire to say that this bill simply rights an injustice to an excellent officer who served with distinction throughout the World War and who desires to remain in the service. It appears that he complied with all the regulations in connection with application for commission in the Regular service, but the Medical Department of the Army notified him that his eyesight did not meet the requirements. Subsequently it was discovered that that was entirely wrong—that his eyesight met all the requirements. This bill simply rectifies that injustice to him. I know from my own personal knowledge, because I know Mr. Shiebler well, that he served faithfully and efficiently throughout the war. It seems to me, in view of the fact that the Surgeon General's office itself was responsible for the error, he ought to be allowed to come in now and take his place in the service.

Mr. SMOOT. There is no report at all from the department; there is a mere statement of the facts. I think that we ought to know something about what the record shows. It is for that reason, and that only, that I object to the consideration of the bill. I will say to the Senator from New York, however, that we are letting down the bars for nearly everybody to get promotion in the Regular Army, and it will not be long until we shall find that we will be loaded down with a retired list of Army, Navy, and marine officers, and public-health officers, and other officers and employees under retirement privileges which have been granted until we shall have about two or three people on the back of every taxpayer.

Mr. CALDER. That is a proper matter to consider; but this man served in the Army with the colors during the war. He was unable to come into the Regular Army through an error on the part of the Surgeon General's office, who notified him, as I have said, that his eyesight was defective. Subsequently, on reexamination, the Surgeon General's office said his eyesight complied with all the requirements in every respect. If they had done what was fair and just in the first instance and had not made the mistake he would have been in the Army during the last year and a half. The bill simply rights a wrong that has been done.

Mr. SMOOT. Mr. President, I should like to be able to know exactly what the record shows.

The PRESIDING OFFICER. The Chair will state that, after a bill is objected to, debate is not in order, unless the objection is withdrawn. Is there objection to the consideration of the bill.

Mr. SMOOT. I object to it.

The PRESIDING OFFICER. The bill will be passed over.

JOHN M. GREEN.

The bill (S. 777) for the relief of John M. Green was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. McKELLAR. Will the Senator withdraw his objection?

Mr. KING. If the bill involves the question of granting a private pension to some person, I regret very much that I can not accede to the Senator's request. I am opposed to that method of legislating.

Mr. McKELLAR. The bill is designed to right a wrong that has been done. That is my opinion and that was the opinion of the committee. Of course, if the Senator has examined the bill and feels that it ought not to pass, that is another matter, but I will say that the soldier is a man who enlisted from Illinois when he was 17 years old. He received an honorable discharge, which was afterwards revoked, when it ought never to have been revoked. I hope the Senator will look into the matter before the calendar is called again.

Mr. KING. I will be glad to do so.

Mr. McKELLAR. And then I hope the bill may be considered. I care nothing in the world about it, except in the interest of what is right.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 1880) providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army, to take rank under the

provisions of section 24a of the act of Congress approved June 4, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. NEW. Mr. President, will the Senator withhold his objection until I can make a very brief statement?

Mr. SMOOT. Yes; but I am going to object to the consideration of the bill.

The PRESIDING OFFICER. Then the Chair would rule—

Mr. NEW. If the Senator is simply going to object to the bill without knowing anything about it, I presume it is not necessary for me to make the statement.

The PRESIDING OFFICER. The bill will be passed over.

Mr. FLETCHER. Mr. President, if the Senator will withhold his objection, I should like to say just a word about the matter, so that the Senator may, if he sees fit, withdraw his objection or let us take up the bill at some other time.

The PRESIDING OFFICER. The Chair will state that after a bill has been objected to debate is not in order.

Mr. FLETCHER. I am not debating it. I was asking the Senator if he would withhold his objection while I make a statement.

The PRESIDING OFFICER. The Senator from Utah says he is going to object anyway. Most of the time is taken up in debate on bills that have been objected to, and under the unanimous-consent agreement debate is not in order where they are objected to.

Mr. LODGE. I call for the regular order.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

VALIDATION OF DECLARATION OF INTENTION TO BECOME CITIZENS.

The bill (S. 757) to validate certain declarations of intention to become citizens of the United States was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That declarations of intention to become citizens of the United States filed prior to the passage of this act in the counties of Fergus and Musselshell, State of Montana, under the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," as amended by the acts of March 4, 1909, June 25, 1910, and March 4, 1913, are hereby declared to be as legal and valid as if such declarations of intention had been filed in the judicial district in which the declarants resided, as required by section 4 of said act of June 29, 1906, and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost, upon informal application therefor by the candidate for citizenship to the clerk of court upon notice to the Bureau of Naturalization: *Provided,* That such declarations of intention shall not be by this act further validated or legalized and that this act shall apply only to those persons who have heretofore made homestead, desert land, or timber and stone entries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 518) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and money of said tribe had been divided, was announced as next in order, and was read.

Mr. LENROOT. Mr. President, the report does not give any facts upon which to authorize the passage of this bill. There may be some, but I think some statement ought to be made as to the character of these allottees and what their claims are before this bill should be passed. Unless some Senator is prepared to do that, I shall object.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LENROOT. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1247) for the relief of Frank Carpenter, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS W. FLAUNLACHER.

The bill (S. 1516) for the relief of Lewis W. Flaunlacher was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 2, after the words "sum of," to strike out "\$4,280.47" and insert "\$1,280.47," and, in line 3, after the words "in all," to strike out "\$5,000" and insert "\$2,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lewis W. Flaunlacher, as reimbursement for expenses actually incurred by him as the direct result of personal injuries received by him on September 3, 1917, near Camp Upton, Long Island, when he was struck by an automobile operated by the United States Army, the sum of \$719.53, and as full compensation for loss of earnings, pain, and suffering from said injury and resulting surgical operation, and permanent disability of the right leg resulting from said injury, the sum of \$1,280.47; in all, \$2,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK CARPENTER.

Mr. HARRELD. Mr. President, may I ask what was done in regard to Senate bill 1247, Order of Business No. 203? I did not hear it called.

The PRESIDING OFFICER. Objection was made, and it was passed over.

RELIEF OF CONTRACTORS, SUBCONTRACTORS, ETC.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders was announced as next in order.

Mr. KING. Mr. President, I should like an explanation from the Senator from Washington [Mr. POINDEXTER] concerning this bill. It seems to me that heretofore we have been very liberal in dealing with contractors and subcontractors, and have made, in fact, too many concessions to reimburse them and to relieve them from the rise in prices growing out of the war. I should like an explanation about this bill.

Mr. POINDEXTER. Mr. President, there has been no legislation at all for the relief of contractors with the Navy Department. There has been legislation for the relief of contractors with the War Department, the Post Office Department, and contractors for rivers and harbors work under the Army engineers; but there has been none for the relief of those who have contracts with the Navy Department. This bill simply gives to that class of contractors the same relief that has already been granted to the others.

The bill is very carefully guarded, so as to give relief only in cases where there have been direct orders of Government authorities causing damage or delay in the execution of contracts where such orders were not provided for in the contracts themselves. It was the opinion of the committee that the bill was limited in such a way as to avoid the very things that the Senator from Utah suggests.

Mr. KING. May I inquire of the Senator, before he resumes his seat, whether claims have been made by persons alleged to have been damaged by priority or other orders of the Government, and, if so, what is the aggregate; and does the Senator think that if this bill shall be passed it will end the matter, or will it not be an invitation for a train of other claims to be presented, calling for thousands and tens of thousands of dollars of further appropriations?

Mr. POINDEXTER. My opinion is that this will end the matter, Mr. President. I think claims have been presented aggregating some two or three million dollars, but, of course, they have not been allowed and could not be allowed except under the scrutiny of the Secretary of the Navy.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. LENROOT. Did the Senator say that similar legislation had been passed for the War Department for war contracts generally?

Mr. POINDEXTER. That is my impression.

Mr. LENROOT. We did pass such a bill for the War Department with regard to rivers and harbors, and for the Treasury Department with regard to public buildings; but has it gone further than that?

Mr. POINDEXTER. My recollection is that it has gone further than that, and has been extended to other contractors for war materials and war construction.

Mr. SMOOT. Mr. President, I do not so remember it, but I do remember that so far as public buildings were concerned

and so far as rivers and harbors were concerned legislation was passed for their relief. I think, however, the Senator is mistaken when he says that such legislation has been passed for the War Department generally. If we pass this bill for the Navy Department, we will have to pass a similar bill for the marines, and a similar bill for the War Department, and a similar bill for every other department. It only proves what I said when the river and harbor bill was before the Senate, when that step was first taken. I made the statement then that just as surely as we passed such legislation for the contractors on rivers and harbors every department of our Government would be asking for it; and I have not any doubt that that will be the case.

Mr. POINDEXTER. Mr. President, this bill confines the relief to those cases where there has been less than 6 per cent profit upon the entire work—that is, in any case where on the entire work of the contractor for the Government he made a profit of as much as 6 per cent he can not have any relief, even though he may have lost money on a particular contract. In a case, whatever department it is in, where a man is doing work for the Government and the Government comes in under its war power and interferes with his work, takes his property away from him, or prevents the shipment of necessary materials, and causes him to lose money on the contract, it seems to me he ought to have equitable relief.

Mr. FLETCHER. May I ask the Senator whether this bill was referred to the Navy Department; and if so, what their recommendation was?

Mr. POINDEXTER. It was referred to the Navy Department, and is strongly recommended by the Secretary of the Navy.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I dislike very much to object to the consideration of this bill.

Mr. POINDEXTER. I hope the Senator will not object. It is a very meritorious bill, I think.

Mr. KING. Let the bill be passed over until we can examine it a little further. If the Senator will call it up later during the day I shall not object to its consideration then.

Mr. POINDEXTER. Very well.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CHICAGO, MILWAUKEE &amp; ST. PAUL RAILWAY CO., ETC.

The bill (S. 1283) for the relief of the Chicago, Milwaukee & St. Paul Railway Co.; the Chicago, St. Paul, Minneapolis & Omaha Railway Co.; and the St. Louis, Iron Mountain & Southern Railway Co., was announced as next in order.

Mr. KING. Mr. President, I reserve the right to object. I do not know what the bill is.

The PRESIDING OFFICER. Objection can always be made, at any time.

Mr. KING. Very well.

The reading clerk read the bill as follows:

*Be it enacted, etc.,* That, any statute of limitations to the contrary notwithstanding, the Court of Claims is hereby given jurisdiction to hear and determine the claims of the Chicago, Milwaukee & St. Paul Railway Co., in accordance with the decisions of said court in causes Nos. 28272, 29636, and 30159, and the claims of the Chicago, St. Paul, Minneapolis & Omaha Railway Co., in accordance with the decision of said court in cause No. 29875, which was affirmed by the Supreme Court of the United States, and the claim of the St. Louis, Iron Mountain & Southern Railway Co., in accordance with the decision of said court in cause No. 24409: *Provided*, That said court in rendering judgment shall enforce the provisions of section 3477, Revised Statutes of the United States, prohibiting the assignment of claims against the United States, and shall render judgment for said claimants only for the amounts in which they, and not any predecessors of theirs, were underpaid, it being the purpose of this act to waive only the statute of limitations and not any other legal defense the United States may have to said claims: *Provided further*, That the same right of appeal to the Supreme Court of the United States as exists in other cases in the general jurisdiction of said court is hereby granted.

Mr. KING. Mr. President, I should like some explanation of the bill.

Mr. McCUMBER. I think I can explain it to the Senator very briefly. If he will look at the report, he will find on the second page this statement:

The errors arose out of the classification of certain portions of claimants' lines by the Post Office Department as land aided when, in fact, they were not land aided. Under the law only 80 per cent of the



normal rates are paid to land-aided railroads for mail transportation, and this is what was paid by the Postmaster General to these companies on those portions of their lines so erroneously classed as land aided.

One of the roads took the matter up, and there was some delay, but it finally went to the Supreme Court, and it was held that all of the particular lines involved in this bill were not land-aided lines. The amount involved altogether is not more than \$55,000, but it allows the companies to go to the Court of Claims to establish that fact, notwithstanding the six-year statute of limitations, while giving the Government every opportunity to avail itself of any defense upon the merits.

Mr. KING. May I inquire of the Senator whether he has made sufficient investigation to determine whether or not, if it shall be discovered that the roads were not Government aided, the amount which they are claiming is just and fair compensation for the transportation of the mails, such as would be paid to other roads under like conditions?

Mr. McCUMBER. Mr. President, all of the contracts for carrying the mail are not based on a quantum meruit, but some upon a definite amount. I assume that the contracts which are made are just and fair. I can not assume that they are unfair. It may be that they made a profit; it may be that certain lines have made a loss. I have not gone into the whole subject of profits and losses in the matter of carrying the mails over any line or lines, and, of course, I could not do that. The whole question is simply this, when we say we will pay 100 per cent of the contract upon roads which are not land-aided roads and only 80 per cent of that price on roads that are land aided, and the question arises as to whether certain roads are land aided, and the Supreme Court has decided that they are not, and have only had 80 per cent, whether we will allow them to go into the Court of Claims and establish just what they are entitled to under the contract. That is all there is involved.

Mr. KING. Why did not the railroad take steps to preserve its rights against the running of the statute of limitations?

Mr. McCUMBER. I do not know, except what is in the report itself, that it was uncertain as to whether these were land-aided roads at the time, and there was one case taken up and that case decided them all. There was some delay in that. I do not know anything that could have been done in the matter to continue the statute of limitations, except merely the taking of an exception to the holding of the Post Office Department. Nothing they could have done, as I understand, would have continued it, except the bringing of an action before that time, and they would have had to have authority even to do that.

Mr. KING. One other question, if I may ask the Senator: When this contract was entered into between the Government and the railroad there certainly must have been some understanding on the part of the Government officials as to whether it was a land-aided or nonland-aided railway. It seems to me its rates would be fixed with reference to whether it was an aided or a nonaided railroad.

Mr. McCUMBER. No; I think the contracts are made generally with these roads, and then it is a question of so much on all ordinary railways, and there is an exception under the law itself. The law itself provides that only 80 per cent of the amount shall be paid to land-aided roads, and that is fixed, not by the contract, but by the law itself. These were found to be nonland-aided roads.

Mr. KING. Did not the roads know whether they were land aided or not?

Mr. McCUMBER. I understand they claimed they were not all the time.

Mr. KING. Has there been a unanimous report from the committee?

Mr. McCUMBER. There has been.

Mr. KING. And a favorable report from the Department of Justice?

Mr. McCUMBER. The Post Office Department has now held they were entitled to the difference.

Mr. KING. Had they held the other way earlier?

Mr. McCUMBER. Earlier they had held the other way; but the matter went to the Supreme Court—I presume under permission to sue in some other action—and it was decided that they were not land-aided roads. There is no question now upon the facts, only as to the right to bring the action.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I shall not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LONGEVITY PAY.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.  
JOHN LYONS.

The bill (S. 943) for the relief of John Lyons was announced as next in order.

Mr. KING. Let that go over.

Mr. SUTHERLAND. I would like to ask the Senator from Utah to withhold his objection until an explanation can be made in regard to the bill.

Mr. KING. I will withhold the objection to hear the explanation of the Senator.

Mr. SUTHERLAND. The report made by the subcommittee of the Committee on Military Affairs upon the bill contains a letter from the War Department which sets out quite fully the facts in this case, and I will ask the Secretary to read the letter.

Mr. KING. It presents a case of desertion from the Army, does it not?

Mr. SUTHERLAND. A supposed case of desertion, but not actually a case of desertion at all.

Mr. KING. Mr. President, I withhold my objection pending the explanation of the Senator. I still think I shall object, but out of courtesy I shall withhold the objection for the time being.

Mr. SUTHERLAND. I will say to the Senator, without having the letter read, that this soldier served honorably in the Army up until March, 1865. He was only 16 years old, and, of course, had enlisted at a very early age. He was furloughed for two or three weeks about that time to go home to look after some goods. That was just a few days before Lee's surrender. He heard while he was away that Lee's army had surrendered, and he did not return. Being only 16 years old, he did not appreciate the necessity of going back and getting a formal discharge. We have had numerous cases of grown men who have done the very same thing, and it seems to me that a boy of that age, who had enlisted and served faithfully for the length of time that he had, who, through his inexperience, had committed an unintentional error, should now be placed upon the regular rolls, and the charge of desertion removed from his name. It is a much more deserving case than a great many cases in which we have passed bills through a kindly feeling for these old veterans. He is now an old man, but at that time he was exceedingly young and inexperienced.

Mr. KING. I object.

The PRESIDING OFFICER. Objection being made, the bill will go over.

#### MEN AND OFFICERS IN THE RUSSIAN RAILWAY SERVICE CORPS.

The bill (S. 28) providing for the men and officers in the Russian Railway Service Corps the status of enlisted men and officers of the United States Army when discharged was announced as next in order, and was read, as follows:

*Be it enacted, etc.,* That the enlisted men and officers in the Russian Railway Service Corps, organized by the War Department in 1917, under the authority of the President of the United States, shall henceforth have the status as to honorable discharge, when they are honorably discharged from such service, of enlisted men and officers honorably discharged from the Army of the United States, and also as to benefits under the war risk and war compensation act and other service benefits on the same terms and conditions as honorably discharged enlisted men and officers of the Army.

Mr. KING. Mr. President, reserving the right to object, I must say that I can not see any reason why persons serving as civilians, no matter how hazardous their services and how arduous their duties, should be placed in the category of those who have been inducted into the military service, and have all the benefits of retirement, the compensation, and pensions which flow from actual military service.

Mr. POINDEXTER. I agree entirely with what the Senator says; but these men were enlisted as military men, placed under military orders, were under military discipline, and all of them supposed they were part of the United States Army. They were given Army uniforms, and were enlisted by the War Department upon representations that they would compose a part of the military forces of the United States. All the official business of the War Department was conducted as though they were. They were sent to Russia, and, as the report of the Secretary of State says, rendered faithful service under very difficult conditions. It was a very hazardous service. No one of them ever dreamed he was in a civilian status, that he could leave any time he wanted. They were under the strictest kind of military orders.

Mr. KING. Were they under military officers?

Mr. POINDEXTER. They were under military officers.

Mr. KING. What character of work were they performing?

Mr. POINDEXTER. They were performing the work of guarding and operating the Chinese Eastern and Trans-Siberian Railway.

Mr. KING. Was it in connection with the expedition which was under Gen. Graves?

Mr. POINDEXTER. Yes; in connection with that, and also in connection with the work of supplying our erst-time allies with supplies over those lines.

Mr. KING. What is the number involved?

Mr. POINDEXTER. I think about 200 or 250.

Mr. KING. Mr. President, I shall not object. But may I inquire of the Senator whether there are any others who will follow and regard this as a precedent? Were there not other agencies and instrumentalities employed during the war, operating indirectly, and possibly at times directly, in aid of the military successes of the Government, who will regard this as a precedent?

Mr. POINDEXTER. No, Mr. President; I have looked into that matter very carefully, and there is nothing else whatever which bears any similarity to this measure. It is the only case of the kind, and it is almost incredible that there should have been this case. These men considered themselves to be a part of the Army. They put in their claims for war-risk insurance, and in many instances their claims were allowed. They were treated by that bureau as soldiers, and it was only at a later date that the point was made that they were not soldiers of the United States; and not even in the employ of the United States, according to the War Department, which claimed that they were employed by the Russian Government.

Mr. KING. Were they paid civilian compensation or the \$30 a month paid to soldiers?

Mr. POINDEXTER. They were all officers, and they were paid the compensation of officers, in some instances extra compensation.

Mr. KING. Did they call themselves captains and colonels and lieutenants, and were they paid as such?

Mr. POINDEXTER. They had military grades.

Mr. SMOOT. The bill provides for enlisted men.

Mr. POINDEXTER. Officers and enlisted men.

Mr. SMOOT. Men and officers; so there must have been some enlisted men.

Mr. POINDEXTER. I was under the impression that there were some enlisted men, but the Secretary of State says they were all officers.

Mr. FLETCHER. Mr. President, if the Senator will allow me to interrupt him, they were all officers, as the Senator has said. The bill was strongly recommended by the War Department, and a similar bill passed the Senate at the last session. So the measure has been previously acted on here.

Mr. POINDEXTER. Mr. President, it could not do any harm to have it provide for enlisted men. If there were not any, it could not do any harm.

Mr. SMOOT. We had some enlisted men who went for this very purpose into the high mountains of Italy. Why should they not come and make claim on just exactly the same basis?

Mr. POINDEXTER. There were not any enlisted men who were in a civil status, who were enlisted as a part of the Army and then denied the privileges of enlisted men.

Mr. SMOOT. Of course, I do not know about that.

Mr. POINDEXTER. There were not. There is no other case of this kind.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, may I inquire of the Senator from Washington directing attention to the bill relating to the men and officers in the Russian Railway Service Corps, which was just passed—I am asking this so as to avoid a motion to reconsider—whether it would give to these individuals who are to be benefited by the act privileges which they have forfeited by reason of nonpayment of any insurance premiums? It seems to me this language would exonerate them from making payments for insurance, if they had failed in the past, and excuse them from such payments, and reinstate them with all of the advantages and privileges the same as if they had not forfeited any insurance or any other rights.

Mr. POINDEXTER. I do not understand that the bill could possibly have that effect, because it has put them in the same

status as honorably discharged men of the Army, and they would be subject to the same law and the same regulations.

Mr. SMOOT. They would be honorably discharged even though they had not paid their insurance.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 665) to provide for free tolls for American ships through the Panama Canal.

Mr. BORAH. Mr. President, I do not know of anyone who desires to discuss the bill at this time. If there is anyone, of course I shall not ask that it be laid aside.

Mr. SMOOT. I desire to state to the Senator from Idaho that if he will kindly lay it aside, I am going to ask that we proceed with the consideration of the calendar, at least, until we get through it.

Mr. BORAH. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. Mr. President, in order that I may have an opportunity to investigate the question which I just propounded to the Senator from Washington, I give notice of a motion to reconsider the action of the Senate by which the bill, S. 28, was passed. I will say to the Senator that if upon investigation this afternoon I discover there is nothing in that point, I shall withdraw my motion. I wish to save the opportunity if an error has been committed.

#### BELL OF THE CRUISER "MILWAUKEE."

The bill (S. 1733) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee* was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., for the use of the said press club, the bell of the wrecked cruiser *Milwaukee*, said bell now being in storage at the Mare Island Navy Yard: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THE CALENDAR.

Mr. SMOOT. Mr. President, I ask unanimous consent that we proceed with the consideration of the calendar at least until we get through the bills now on the calendar, considering all bills up to calendar No. 269 that may not be objected to.

Mr. McNARY. Mr. President, I suggest that I have two bills not on the printed calendar which have been reported to-day and I should like to include those.

Mr. SMOOT. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. POINDEXTER. What is the request?

Mr. SMOOT. I have requested that we proceed with the consideration of the calendar until we go through the calendar, including also the two bills referred to by the Senator from Oregon which were reported to-day.

Mr. POINDEXTER. I ask unanimous consent pending that to report from the Committee on Mines and Mining a bill which has passed the House, and I ask that it be included also.

Mr. SMOOT. I have no objection.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent to report a bill from the Committee on Mines and Mining. Is there objection? The Chair hears none.

Mr. POINDEXTER. From the Committee on Mines and Mining, I report back favorably without amendment the bill (H. R. 4813) changing the period for doing annual assessment work on unpatented mineral claims from the calendar year to the fiscal year beginning July 1 each year.

The PRESIDING OFFICER. The bill will be placed on the calendar. The Senator from Utah has modified his request so as to include the bill suggested by the Senator from Oregon and the bill reported by the Senator from Washington.

Mr. JONES of New Mexico. Mr. President, I understand the request of the Senator from Utah is that we shall continue the consideration of unobjected bills now on the calendar under the provisions of Rule VIII.

Mr. SMOOT. Under the same provision under which we have considered bills up to this time.

The PRESIDING OFFICER. With the understanding that a motion can not be made to proceed to the consideration of a bill, an objection to the contrary notwithstanding, and with a



limitation of debate under the 5-minute rule as prescribed in Rule VIII.

Mr. HEFLIN. Mr. President, I shall have to object to that request. I desire to address the Senate on another subject. Did I understand the Chair to say that if the order shall be made as suggested by the Senator from Utah, we can only discuss a measure five minutes?

The PRESIDING OFFICER. Yes. We are under the provisions of Rule VIII, considering bills to which there is no objection, and debate is limited to five minutes. It has been so limited for the last two hours.

Mr. JONES of New Mexico. I will say to the Senator from Alabama that the purpose is simply to proceed with the calendar in the usual way and dispose of such matters as are not objected to, and after that is done, to go on with other bills.

Mr. HEFLIN. I have no desire to prevent that arrangement if we can get through in time so that I may be able to discuss a matter that is of vital importance to our section of the country.

The PRESIDING OFFICER. It is impossible to state when the consideration of the calendar would terminate, because the request is that the Senate shall proceed through the entire calendar, including the last bill now on the printed calendar and three other bills. It may take all afternoon.

Mr. HEFLIN. I will let the calendar proceed for a while.

The PRESIDING OFFICER. Unanimous consent must be given now or objection entered now.

Mr. KING. The Senator from Alabama could object to every bill reached on the calendar, so that would terminate the call of the calendar very quickly.

The PRESIDING OFFICER. Yes; but the Senator from Alabama could not object to the unanimous-consent request at a future time. Is there objection to the request of the Senator from Utah?

Mr. POINDEXTER. That is, that we shall consider bills that are not objected to?

The PRESIDING OFFICER. Yes. Is there objection? The Chair hears no objection and the unanimous-consent agreement is entered into.

#### RELIEF OF CERTAIN NAVAL RESERVE OFFICERS.

The bill (S. 1824) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. McNARY. Mr. President, I regret very much the action of the Senator from Utah, who, I understand, has made an objection to the consideration of the bill.

I think there is a great injustice being done those who would be the beneficiaries of the bill. Two Secretaries of the Navy have reported favorably on it, and I have the reports here. A unanimous favorable report was made by the Committee on Naval Affairs through the Senator from Montana [Mr. WALSH]. There is no objection to it that I know of from any source. I think it meets a situation which should be corrected, and I hope the Senator will be good enough to let us consider the bill.

Mr. KING. I shall withhold my objection until the Senator makes a statement.

Mr. McNARY. I ask that the Secretary may read from the report of the committee the letter of the Secretary of the Navy. It is not very long.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

DEPARTMENT OF THE NAVY,  
Washington, June 11, 1921.

Hon. CARROLL S. PAGE,  
Chairman Committee on Naval Affairs,  
United States Senate.

MY DEAR SENATOR: Replying further to the committee's letter of May 18, 1921, inclosing a bill (S. 1824) "to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes," and requesting the department's consideration and report thereon, I have the honor to inform you that the language of said bill is identical with that proposed by this department and transmitted to your committee by its letter of May 5, 1920, to which letter reference is hereby made for full and detailed information.

The said proposed legislation was introduced in the Senate on May 11, 1920, as bill S. 4351, passed by the Senate on May 28, 1920, and received in the House May 29, 1920, but failed of passage.

The purpose of the proposed legislation is to provide relief for certain officers of the Naval Reserve Force and the Marine Corps Reserve, who, under decisions of the Comptroller of the Treasury, have been denied the right to mileage or travel allowance to their homes upon being disenrolled from the service or released from active duty therein. The early enactment of the bill (S. 1824) is urgently recommended.

Sincerely, yours,

EDWIN DENBY,  
Secretary of the Navy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. The letter does not make any explanation. It merely gives a departmental view.

Mr. McNARY. There is another communication from the former Secretary of the Navy which gives more complete information. I ask that it may be read also.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

MAY 5, 1920.

Hon. CARROLL S. PAGE,  
Chairman Committee on Naval Affairs,  
United States Senate.

MY DEAR SENATOR: Replying to your letter of April 29, 1920, relating to the reimbursement of certain officers of the Marine Corps Reserve on account of travel pay, I have the honor to inform you that under date of March 11, 1920, the following letter, together with the proposed draft of a bill hereto attached, were forwarded to the Speaker of the House of Representatives:

"There is inclosed herewith a proposed draft of a bill to provide for the relief of certain officers of the Naval Reserve Force and the Marine Corps Reserve who, through decisions of the Comptroller of the Treasury, have been denied the right to mileage or travel allowance to their homes upon being disenrolled from the service or released from active duty therein, which is respectfully submitted for your consideration.

"Shortly after the armistice had been signed, several officers of said reserve forces, who had been originally enrolled as seamen at one naval station and transferred for the good of the service to some other naval station or base where they were given provisional assignments as officers, were released from active duty or disenrolled from the service under honorable conditions under orders which failed to direct them to proceed to their homes, whereupon said disenrollment or release would become effective, but detached them from the service at said naval station or base.

"Under date of April 17, 1918, the Comptroller of the Treasury decided that an officer of the Naval Reserve Force who had been erroneously disenrolled at a place other than that of his enrollment may not receive mileage to said place of enrollment for the reason that he was not in the service when the travel was performed.

"In an attempt to follow out the intent of the above decision many officers of said reserve forces were detached from duty by the department and directed to proceed to their homes at their convenience and there to consider themselves as detached from all active duty. Although the department had acted in good faith in directing the officers of said forces to proceed in the above manner, the Comptroller of the Treasury in passing upon this procedure under date of October 7, 1917, held that the active-duty status of said officers terminated as of the date of detachment and that they were not entitled subsequent thereto to the pay of officers actively employed or to mileage for the travel to their homes within the period of authorized delay. The decisions of the comptroller under the dates of February 9 and 20, 1920, merely reaffirmed the above decisions in applying them to modified statements of facts.

"As a result of these decisions of the Comptroller of the Treasury a considerable number of officers of the Naval Reserve Force and the Marine Corps Reserve have been denied the benefits of the mileage pay and travel allowances to which the department assumed they were entitled under the laws which had been previously enacted for this purpose.

"In addition to the above, quite a number of officers of said forces were paid mileage or travel allowance to their homes by the disbursing officers of the Navy or Marine Corps, as the case might be, all of which payments have been rendered void by the decisions of the Comptroller of the Treasury, above noted, and either have been, or will hereafter be, disallowed by the accounting officers of the Treasury Department. This action will cause said disbursing officers of the Navy and Marine Corps to face large financial losses which were incurred through no fault of theirs, since they acted under instructions from the department, which instructions were given in good faith.

"The proposed draft of bill hereto attached is submitted for the purpose of correcting the conditions above noted, and it is therefore recommended that it be enacted."

I am not aware of the present status of this proposed legislation.

Sincerely, yours,

JOSEPHUS DANIELS,  
Secretary of the Navy.

Mr. KING. I will withdraw my objection so that the bill may be considered, but I desire to ask the Senator from Oregon the amount involved, if he knows.

Mr. McNARY. I regret very much my inability to inform the Senator from Utah the total amount involved. It does not appear in the record.

Mr. KING. Why was it that some were paid by the disbursing officer prior to return to their homes and others were not?

Mr. McNARY. I could not answer that question. All I know is contained in the report filed by the Senator from Montana [Mr. WALSH] and the reports which have been read here from the two Secretaries of the Navy, which I think show a meritorious case.

Mr. KING. It may be meritorious, but there are some links missing from the chain which would establish beyond question the merit of the claim. However, I shall not object. I wish the Senator could submit further information, though, regarding the matter. May I inquire of the Senator whether it extends into thousands of beneficiaries under the bill and millions of dollars which the Treasury will be compelled to pay? Can any Senator present answer that question?

Mr. McNARY. I will say to the Senator from Utah that it is the principle involved rather than the amount of money. If it is \$10 that is involved and it ought to be paid, the principle is just the same.

Mr. KING. I agree with the Senator.

Mr. McNARY. I am not interested in the number of men or the amount of money involved. It is either right or it is not.

Mr. KING. Can the Senator give any explanation why officers who were detached in that way were not paid?

Mr. McNARY. They were paid previously. I have not in my possession data of that character. The letter from Josephus Daniels, the eminent Democratic ex-Secretary of the Navy, so clearly sets forth the case favorably to these individuals that I think we need not go any further unless we go to the communication of the present Secretary of the Navy who confirms the action of the former Secretary. The Committee on Naval Affairs reported unanimously in favor of the bill, and the report as presented was written by the Senator from Montana [Mr. WALSH].

Mr. KING. I hope the Senator will not say the Committee on Naval Affairs unanimously reported, because I am a member of that committee, and I did not assent to the report.

Mr. McNARY. I think if the record is studied it will show that the Senator from Utah was not present on that day.

There being no objection, the Senate, as in Committee of the Whole, considered the bill, which was read as follows:

*Be it enacted, etc.,* That officers of the Naval Reserve Force or the Marine Corps Reserve who have heretofore been, or may hereafter be, released from active duty therein shall receive mileage at the same rate as authorized for officers of the Regular Navy for the distance involved in travel in the United States from the place where disenrolled or released from active duty to their homes.

Mr. HARRISON. Mr. President, I am not going to object to the proposition, but I desire to offer an amendment to the bill and have it styled section 2. I ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The READING CLERK. Add at the end of the bill a new section, to be known as section 2, as follows:

SEC. 2. That every officer or midshipman of the United States Navy or Marine Corps who was dismissed therefrom solely because he left such service in order to join, or because he joined, the Confederate forces for service during the Civil War shall be held and considered to have duly resigned and to have been honorably discharged therefrom, and the Secretary of the Navy is hereby authorized and directed to correct the records of such officers and midshipmen in accordance herewith as of the date of such dismissal.

Mr. HARRISON. Mr. President, the proposed amendment to the bill is based on justice. I have offered it because of a desire that various records be fixed and adjusted to show that these men, during 1861, who were in the Navy and in the Marine Corps, and who joined the Confederate forces, were honorably discharged. There were a great many similar cases, most of which have been adjusted. I think there are about 35—I am not sure as to the exact number, but it is about 35—who joined the Confederate forces, either in the Navy or the Marine Corps, as to whom it is shown on the records of the Navy Department that they were dismissed. The only object of the amendment is to show that they were honorably discharged. I can not see why in the world there would be any objection to the proposition, and I hope the amendment will be adopted.

Mr. KING. May I inquire of the Senator from Mississippi whether, if the amendment were to prevail, it would carry with it the objection on the part of the United States to pay to those individuals retirement pay?

Mr. HARRISON. Absolutely not. The whole proposition is this: At the outbreak of the war between the States there were some men from the South who happened to belong to the Navy or to the Marine Corps. They left that service without being honorably discharged, so to speak, and joined the Confederate forces. The records show that they were dismissed from the service. The object of this amendment is merely to show that they were honorably discharged. That is the purpose of the amendment. It will require no appropriation. It is in the interest of fairness and justice and in order to cement the two sections together. I hope the amendment will be adopted.

Mr. WILLIS. Mr. President, is the Senator from Mississippi able to state how many officers and men would probably be affected by the proposed amendment?

Mr. HARRISON. I think there are about 35 who appear on the records as having been dishonorably dismissed from the service because of the circumstances which I have stated. The records as to a great many persons who were in the Navy and in the Army, who, under similar circumstances, left those branches of the service and joined the Confederate forces have been changed and they show them to have been honorably discharged. There are only a few cases where the records have not been clarified. I repeat that the only object of this amendment is to have the record show that these men were honorably discharged instead of showing that they were dishonorably discharged.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REGISTRATION OF CERTAIN CHINESE.

The joint resolution (S. J. Res. 33) permitting Chinese to register under certain provisions and conditions was considered as in Committee of the Whole.

The joint resolution was read, as follows:

Whereas 379 Chinese men, some of the merchant and others of the laborer class, attached themselves to the punitive military expedition under the command of Gen. Pershing, which entered Mexico in 1916, and when said expedition returned from Mexico were temporarily admitted to the United States as refugees; and

Whereas the said Chinese performed extensive services and rendered valuable assistance to the punitive expedition in Mexico and jeopardized their lives and made their further residence in Mexico at the time impossible by attaching themselves to the expedition and rendering such services; and

Whereas the said Chinese after temporary admission to the United States as refugees continued to render, and are now rendering, services to the military branch of the United States Government, such services being valuable, unusual, and in some instances of a hazardous nature; and

Whereas the said Chinese can not return to their former homes in Mexico with safety and can not at this time be deported to any other place justly and humanely: Now, therefore, be it

*Resolved, etc.,* That the Commissioner General of Immigration be, and he hereby is, authorized and directed to permit the said Chinese to register under the terms of and in accordance with the provisions of section 6 of the act approved May 5, 1892 (27 Stats. at L., p. 25), as amended by section 1 of the act approved November 3, 1893 (28 Stats. at L., p. 7).

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BORAH. Mr. President, I wish to make an inquiry relative to Senate joint resolution 33, which was just passed. May I ask the Secretary to reread the joint resolution in order that I may make a motion to reconsider the vote by which it was passed?

The PRESIDING OFFICER. The Secretary will read as requested. Does the Senator from Idaho care to have the preamble of the joint resolution also read?

Mr. KING. I suggest to the Senator from Idaho that the preamble of the joint resolution should be read in order to understand the circumstances.

Mr. BORAH. I suppose the preamble should be read in order to understand fully the facts.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk again read the joint resolution.

Mr. WILLIAMS. Mr. President, I should like to inquire what section 6 of the act approved May 5, 1892, provides?

Mr. BORAH. That is what I was trying to find out, but the Senator in charge of the bill has left the room.

Mr. WILLIAMS. Under the circumstances I withdraw the inquiry. I was asking more for information than anything else.

Mr. BORAH. I am going to make a motion for the present to reconsider the vote by which the joint resolution was ordered to a third reading, read the third time, and passed, until I can find out what it is about.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. BORAH subsequently said: Mr. President, I have examined the Statutes at Large to which Senate joint resolution 33 refers, and, as I now understand, the joint resolution does not have the effect of giving citizenship to the Chinese referred to in the joint resolution.

Mr. KING. No.

Mr. BORAH. Nor does it provide a method by which they may ultimately acquire citizenship.

Mr. WILLIS. I desire to say in reply to the Senator from Idaho that this resolution does not give to these Chinese men American citizenship, nor does it provide any means whereby they subsequently can become citizens. It simply makes provision for the issue of temporary certificates of registration so that they may have a legal status in this country.

Senators will understand that these men were in Mexico when the punitive military expedition went into Mexico in 1916. They attached themselves to the expedition with the approval and at the request of the commanding officer, Gen. Pershing. They rendered important service.

Mr. KING. The bill simply prevents their deportation?

Mr. WILLIS. That is all there is to it. When the expedition came out of Mexico, of course, these Chinese, by aiding the



Americans, had become to Mexico persona non grata, and they had to come out as a matter of self-protection. Gen. Pershing brought them out, so they got into the United States, but they have no legal status in this country. I have on my desk here a letter from Gen. Pershing in which he expresses very great interest in this matter.

Mr. BORAH. I withdraw my motion to reconsider.

Mr. WILLIS. Then, Mr. President, I ask unanimous consent to place in the RECORD the letter from Gen. Pershing, with certain other brief documents explanatory of this whole matter.

The PRESIDING OFFICER. Without objection, that order will be made.

The matter referred to is as follows:

GENERAL OF THE ARMIES,  
Washington, June 29, 1921.

The Hon. HENRY W. KEYES,

United States Senate, Washington, D. C.

DEAR SENATOR KEYES: I am taking the liberty of introducing to you Mr. William Tracy Page, who has charge of the Chinese refugees from Mexico. It is understood that the papers regarding these refugees are on file with you, and I would thank you very much to give Mr. Page a conference, as I believe he is in a better position than anyone else to know the necessity for early legislation in behalf of these unfortunate people.

Thanking you for your courtesy in the matter, I beg to remain,

Very sincerely, yours,

JOHN J. PERSHING.

William Tracy Page, in a detailed communication dated December 17, 1919, states:

The refugees originally numbered 527. They arrived at Columbus, N. Mex., on February 3, 4, and 5, 1917, and remained in a camp at that place for about four months while their cases were being considered and decided by the Department of Labor. During the period mentioned some of them returned to points in Mexico, where they thought they would be safe for the time being; some went to China, and some, being found to belong to the exempt class, were furnished with appropriate certificates and regularly admitted. In this way the number was reduced from 527 to 427. Subsequently the number was reduced to 399, the present figure, through the death of 8 and the deportation of 20.

While detained in the camp at Columbus the Chinese were trained in the principles of camp sanitation and hygiene and were given sufficient physical training to keep them in good health. In all of this training they manifested great interest. In June, 1917, the refugees were transferred from Columbus to San Antonio, Tex. At the time the Government was experiencing great difficulty in finding competent labor to clear the ground where part of Camp Travis was to be constructed, and the Chinese were placed upon this work. It was estimated that three or four months' work would be required, but the clearing was completed in five weeks, the Chinese starting their labors at 7 in the morning and working even as late as 11 o'clock at night, when moonlight permitted. They were paid 20 cents per hour, with no additional pay for overtime and seemed perfectly contented. After this work was finished the Chinese were allowed to work for the contractors building Camp Travis and performed valuable and acceptable services. The refugees did the cooking for the 6,000 men employed in the construction work at Camp Travis and also at Kelly Field, in connection with which they worked from 10 to 12 hours a day and a half day on Sundays and whenever necessary at night. During this time it became apparent that when it would become necessary to assign the Chinese to other classes of work it would be important for them to have a knowledge of English, and night schools were established in the camp, where the Chinese became apt and willing students and where they fitted themselves for employment as cooks and stewards in the messes. Services of this kind were rendered by them at the officers' training camp at Leon Springs, Tex., and in the Air Service camps in Texas and Louisiana. Later it became necessary to withdraw some of the men from this class of work and to assign them to duty in the tuberculosis hospitals in Forts Stanton and Bayard, N. Mex., where it had been found impossible to obtain satisfactory help for the conduct of the messes. They have been, and are now, employed in the base hospital at Fort Sam Houston in a similar capacity, and, in fact, they are employed in more than 30 different localities at the present time, with excellent results everywhere.

The refugees have endeavored in every way to show by their conduct the appreciation which they feel of the kindness of the United States Government in granting them refuge. They are physically of a superior type and have observed the sanitary regulations, these facts doubtless accounting for the small death rate among them. They have respected the restrictions placed upon them by the Department of Labor and have not attempted to escape from those restrictions and remain permanently within the country in violation thereof.

(Personal.)

AMERICAN EXPEDITIONARY FORCES,  
OFFICE OF THE COMMANDER IN CHIEF,  
Washington, D. C., November 6, 1919.

Hon. ANTHONY CAMINETTI,

Commissioner General of Immigration,  
Washington, D. C.

MY DEAR MR. CAMINETTI: My attention has been called to a bill making an appropriation to cover expenses of deporting to China the refugees who were brought out of Mexico by me, which has recently been reported favorably to the House.

May I avail myself of this my first opportunity to write you, and suggest that, if it is at all possible, some other way than the deportation of these men be found to solve the difficulty that confronts your bureau.

Every consideration should be shown these unfortunate people. The reasons given below, I believe, will appeal to you and to all high-minded, right-spirited public officials:

First. These Chinese knowingly jeopardized their own lives when they attached themselves to and assisted the punitive expedition into Mexico, where they were employed in various capacities.

Second. They suffered a great financial loss through using their funds in the establishment of stores for the sale of merchandise which was not carried in the commissary and into the erection and equipment of a large laundry at Colonia Dublan, which had to be abandoned when

the expedition withdrew, the withdrawal occurring before the laundry had been operated long enough for the profits to reimburse the Chinese. Third. They were faithful and efficient in all the services they rendered to the punitive expedition.

Their sacrifices and services, made for and rendered to the United States while the Chinese were still in Mexico, were, in my judgment, of such a nature and extent as to create the strongest kind of equities in their behalf.

Fourth. After they had been permitted by the immigration officials, acting under your instructions, to come into the United States and remain temporarily in the haven of refuge thus afforded them by you they have continued to render, and are now rendering, I am informed, services of a very acceptable, and in some instances of a very unusual and often of a hazardous nature, such as cooking in tuberculous hospitals or sanitariums.

I request that your usual earnest and careful consideration be given to this matter.

With kindest personal regards, I am,

Very truly, yours,

JOHN J. PERSHING.

[Senate Report No. 200, Sixty-seventh Congress, first session.]

REGISTRY OF CERTAIN CHINESE REFUGEES.

Mr. WILLIS, from the Committee on Immigration, submitted the following report, to accompany S. J. Res. 33:

The Committee on Immigration, to whom was referred the resolution (S. J. Res. 33) permitting Chinese to register under certain provisions and conditions, having considered the same, report favorably thereon with the recommendation that the resolution do pass without amendment.

#### PURPOSE OF THE RESOLUTION.

The purpose of the resolution, as clearly indicated by its text, is simply to afford relief in the cases of 379 Chinese now in this country and not in possession of the certificates of residence required by law, and who entered the United States in 1916, and have since been permitted temporarily to reside here, under the following circumstances and conditions:

While the punitive expedition was in Mexico under the command of Gen. John J. Pershing, the Chinese in question, along with some others who are now no longer within the United States, attached themselves to the expedition and rendered extensive and valuable services, in that manner becoming persona non grata in Mexico, so that when the expedition returned to the United States it was necessary, in order to avoid the probability that the Chinese would be harshly dealt with or even murdered if required to remain in Mexico, to permit them temporarily to enter the United States. This was done, and they were furnished with temporary certificates indicating the circumstances. They were admitted by the Department of Labor with the understanding that they would be employed by the Quartermaster Department of the Army. Thereafter they rendered extensive and valuable services in various capacities in the said department at different places in the vicinity of the Mexican boundary.

The relief which it is proposed by the resolution to afford these Chinese consists merely of giving legislative authority for their registration by the Commissioner General of Immigration under the provisions of the Chinese registration acts.

#### EVIDENCE CONSIDERED BY COMMITTEE.

A volume of evidence of most convincing character bearing upon this matter was placed before the committee by Gen. Pershing, through his representative, Mr. William Tracy Page. Mr. Page was placed in charge of the refugee camp by Gen. Pershing immediately after the Chinese entered the United States and continued to have charge of the Chinese while their cases were being considered and decided by the Department of Labor and also after they were assigned to different duties in various military camps as employees of the Quartermaster Department. This report would be rendered entirely too lengthy if the evidence in question should be incorporated therein. Suffice it to say that it included a letter from Gen. Pershing, dated November 6, 1919, addressed to the former Commissioner General of Immigration, and suggesting that if possible administrative relief should be afforded, and if that were not possible relief from Congress ought to be sought; a letter written by Gen. Pershing on November 8, 1919, to Mr. Page, directing him to obtain from the Army officers under whom the Chinese had been serving statements of the nature and value of their work; and letters from practically all of the officers under whom the Chinese had been serving, there being 20 such letters, in all of which the conduct of the Chinese, their faithfulness to duty, and the extremely valuable nature of the services rendered by them were set forth clearly and emphatically.

Gen. Pershing expressed a desire to come personally before the committee on behalf of the refugees, but the evidence submitted by his representative was regarded as so satisfactory and as so clearly establishing all of the claims made in behalf of the Chinese that the committee did not deem it necessary to take advantage of Gen. Pershing's offer.

#### BILL PASSED OVER.

The bill (S. 1831) to amend section 237 of the Judicial Code was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. KING. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

E. W. McCOMAS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1945) for the relief of E. W. McComas. The bill was read, as follows:

Be it enacted, etc., That E. W. McComas be permitted to purchase from the United States, at the price of \$1.25 per acre, lots 2 and 4 of section 5, the north half of the northeast quarter, and lots 1 and 2 (or the north half of the northwest quarter) of section 7, township 5 north, range 30 east, Willamette meridian, in Umatilla County, Oreg., containing 205.72 acres, more or less, and that patent shall, after such purchase, issue to him therefor: *Provided*, That McComas files in the district land office at La Grande a proper application to purchase the said lands, and tenders payment therefor at the price fixed herein, within 60 days of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.



## LANDS AT FORT MADISON AND BELLEVUE, IOWA.

The bill (H. R. 5621) for the disposal of certain lands in the town sites of Fort Madison and Bellevue, Iowa, was considered as in Committee of the Whole.

The bill was read as follows:

*Be it enacted, etc.,* That all lots in the town sites of Fort Madison and Bellevue, Iowa, not heretofore sold and patented under the acts of July 2, 1836, and March 3, 1837 (5 Stat., 7, 178), shall be disposed of and patented to the uncontested occupants thereof holding same by themselves and their predecessors in interest, in good faith under claim and color of title, and who shall make application for patent or to purchase such lots within one year from the passage of this act, and who shall furnish satisfactory proof of such occupancy and color of title, and pay therefor the appraised value of such lots in case the purchase price has not been paid to the United States: *Provided*, That lots occupied by public improvements shall be donated and patented to the municipality owning such improvements. All lots in said town sites not so disposed of at the expiration of one year after the passage of this act shall be subject to private sale at the appraised value thereof, or to competitive sale, at not less than the appraised value, in the discretion of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TIMBER CUTTING IN ARIZONA.

The bill (S. 561) to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes was considered as in Committee of the Whole.

The bill was read as follows:

*Be it enacted, etc.,* That section 8 of an act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the act of March 3, 1891, to citizens of Washington County and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Ariz., for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah.

Mr. HARRISON. Mr. President, I presume that the Senators from Utah and Arizona have agreed upon this measure, and have no objection to it.

Mr. KING. It is mutual.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## FINAL ENTRIES ON PUBLIC LANDS.

The bill (S. 1099) to amend section 2372 of the Revised Statutes was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys, with an amendment on page 1, line 12, after the word "laws," to insert "or patented to a claimant under other public land laws"; so as to make the bill read:

That section 2372 of the Revised Statutes is amended by adding thereto the following:

"In all cases where a final entry of public lands has been or may be hereafter canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under the proviso to section 7 of the act of March 3, 1891 (26 Stat., p. 1099), such entry shall, unless the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, be reinstated and passed to patent; and in case the land has been so disposed of or appropriated, the Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, nonmineral in character, free from lawful claim, and otherwise subject to general disposition: *Provided*, That the entryman, his heirs, or assigns shall file a relinquishment of all right, title, and interest in and to the land originally entered: *Provided further*, That no right or claim under the provisions of this paragraph shall be assignable or transferable."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOINT RESOLUTION PASSED OVER.

The joint resolution (H. J. Res. 138) to repeal so much of the act of Congress approved February 28, 1920, as provides for the sale of Camp Eustis, Va., was announced as next in order.

Mr. LENROOT. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

## CHALMETTE MILITARY PARK, LA.

The bill (H. R. 2232) in reference to a national military park on the plains of Chalmette, below the city of New Orleans, was announced as next in order.

Mr. LENROOT. I ask that that bill go over.

Mr. BROUSSARD. Mr. President, do I understand that objection has been made to the consideration of the bill?

Mr. LENROOT. I asked that it go over. I made the request upon the ground that I do not believe at this time we should go to any expense upon a matter of this kind.

Mr. BROUSSARD. Will the Senator withhold his objection for just a moment?

Mr. LENROOT. Certainly.

Mr. BROUSSARD. This measure has been passed by the House of Representatives, and I think it provides that there shall be no expense incurred on the part of the Government. I have been informed that the work is to be performed by the Army Engineer officers stationed at New Orleans.

Mr. LENROOT. It provides that the expenses of the investigation shall be paid from the appropriation for contingencies of the Army.

Mr. BROUSSARD. I do not understand that that is the way in which the measure is worded.

Mr. LENROOT. There is an amendment to that effect.

The PRESIDING OFFICER. The bill will be passed over.

## BILL PASSED OVER.

The bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, was announced as next in order.

Mr. KING. Unless there is some exigency, inasmuch as this seems to be a measure of considerable importance, I shall object to its consideration at this time.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

## RETIREMENT OF OFFICERS FOR PHYSICAL DISABILITY.

The bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty was announced as next in order.

Mr. HARRISON. Mr. President, I do not see the Senator from New Mexico [Mr. BURSUM], the author of this bill, in the Chamber. This is a very important proposition.

Mr. JONES of New Mexico. I hope the Senator from Mississippi will not object to the consideration of the bill.

Mr. HARRISON. I am not going to object, because I think it is a very meritorious measure, and it ought to pass.

Mr. JONES of New Mexico. It is true that my colleague [Mr. BURSUM] is not in the Chamber and is necessarily absent from the city, but this bill was under consideration by the committee for a considerable length of time. There were rather extensive hearings upon the merits of the bill, the committee has made a report in favor of it, and I certainly hope no Senator will object and that the bill may pass.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I regret very much that I feel constrained to object to the consideration of this bill.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

Mr. HARRISON. Mr. President, is there not some member of the Military Affairs Committee here who can explain this bill? It strikes me as a very meritorious measure, and I have had letters from all over the country about it. As I understand the bill, under its provisions those officers who incurred disabilities in the Great War and who were not members of the Regular Army will be placed upon the same plane as those officers who were in the Regular Army. Is that right?

Mr. NEW. Yes; Mr. President, if I may be permitted to answer that question in the absence of the chairman of the committee, that is substantially correct. I do not think, however, that this bill ought to be considered in the absence of the chairman of the Committee on Military Affairs. There is much to be said concerning it, and I know that the chairman has views regarding it which he desires to express.

Mr. HARRISON. Is the chairman of the committee opposed to the bill?

Mr. NEW. I think he is.

The PRESIDING OFFICER. Is there objection? If not, the question is on the passage of the bill.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. LENROOT. I agree that there should be very full discussion of this bill. It ought not to be considered under this order. I think very likely the Senator from Mississippi himself, upon a full discussion, will not favor the bill, for I can not see myself, with due allowance for all possible differences of opinion, how anyone can favor this bill. I will simply call attention at this



point to the fact that it proposes to give compensation to officers for disability four or five times as great as we give to privates for like disability. It proposes to give to a colonel a very much greater compensation than to a second lieutenant for exactly the same disability. It seems to me the bill makes the grossest discrimination not only as between officers and privates but as between different grades of officers. The Secretary of War has reported against it, and I am confident that upon full discussion the Senate will not agree to the bill.

What we ought to do, I am frank to say, so far as total disability is concerned, is to increase the compensation for officers and privates alike, and certainly we ought not to have any such very great difference as the bill provides between the compensation of different grades of officers and between the compensation of officers and privates.

The American Legion, it is true, has indorsed this bill, but I am confident that if this bill should be enacted it would destroy the American Legion.

Mr. HARRISON. May I say to the Senator that I have not given the bill as much consideration as probably I should have. It appeared to me, on the face of it, to be a very good measure. Of course, I see that the bill is amended, that the committee has stricken out everything in the original bill and inserted a substitute; but I thought, perhaps, there was no objection to the proposition, and if there was not, I had hoped it would pass to-day.

Mr. LENROOT. I should like to ask the Senator from Mississippi a question. Here are a colonel and a private. Each has the same disability; we will say it is 30 per cent. Is the Senator willing that a colonel shall receive \$3,000 a year and a private \$360 a year for the same disability?

Mr. HARRISON. My understanding about the bill was that it placed those officers who were not members of the Regular Army upon the same footing as officers in the Regular Army; and I think that an officer who happened to be a National Guard officer and who was disabled in the war should be treated, so far as the Government is concerned, the same as an officer in the Regular Army.

Mr. LENROOT. Then the Senator does think that a colonel with a 30 per cent disability should receive \$3,000 a year compensation when a private receives only \$360?

Mr. HARRISON. I think that if a Regular Army colonel receives a certain amount, a National Guard colonel should receive the same amount.

Mr. LENROOT. Then, the Senator does think that a colonel with a 30 per cent disability should get \$3,000 a year, and a private \$360 a year?

Mr. HARRISON. I have not said that.

Mr. LENROOT. That is the only conclusion one can draw from what the Senator has said.

Mr. HARRISON. I have stated to the Senator exactly what my idea about the bill was. It is apparent upon the face of the matter that National Guard officers should be treated in the same way, so far as disabilities are concerned, as Regular Army officers are treated under the present law. I believe that, and I think that the law should be amended so as to cure any defects in that situation.

Mr. LENROOT. So, the Senator is willing, then, that we shall enact compensation paying, in the case I have mentioned, a colonel \$3,000 a year for the same disability for which we allow a private only \$360?

Mr. HARRISON. I am not a member of the Military Affairs Committee and the Senator is. May I ask whether the present law is that a lieutenant gets as much or does not get as much as a colonel in the Regular Army if he is disabled?

Mr. LENROOT. He does not.

Mr. HARRISON. They get the same?

Mr. LENROOT. No; they do not.

Mr. HARRISON. Did not the Senator's committee report out the present law as to disabilities? The Military Affairs Committee considered and reported the present law, did they not, as to disabilities?

Mr. LENROOT. No; that law was on the statute books long before I was born.

Mr. HARRISON. When was it passed?

Mr. NEW. Mr. President, if I may be permitted, that is an old law. This committee had nothing to do with that.

Mr. HARRISON. That has been on the statute books a good while?

Mr. NEW. Yes; as applied to officers of the Regular Army.

Mr. HARRISON. Under the present law, then, a lieutenant who is disabled gets the same pay as a colonel who is disabled? Is that right?

Mr. NEW. No; not at all.

Mr. HARRISON. That is not so?

Mr. NEW. No.

Mr. HARRISON. Let me understand what the Senator is driving at. The Senator argues one proposition at me here, and I do not catch it. What is the law, then?

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LENROOT. I yield.

Mr. STERLING. The simple question in my mind was not as to the amount that a Regular Army officer is getting now, but as to whether the bill gives to men who are not in the Regular Army the same privileges that it gives to those in the Regular Army.

Mr. LENROOT. Originally it did; yes.

Mr. NEW. It is intended to.

Mr. STERLING. It is intended to?

Mr. NEW. Yes.

Mr. STERLING. Does it not do it?

Mr. NEW. I do not think it does.

Mr. LENROOT. The amendment does not give them quite the same privileges. The original bill did.

Mr. HARRISON. The Senate committee, then, changed the bill in that respect?

Mr. NEW. Mr. President, will the Senator yield to me?

Mr. LENROOT. I yield to the Senator from Indiana.

Mr. STERLING. Mr. President, I am in thorough sympathy—

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. HARRISON. Now I yield to the Senator from Indiana for a question.

Mr. NEW. Not for a question, but for a very brief statement.

Mr. HARRISON. For an explanation.

Mr. NEW. Mr. President, I think the colloquy that has taken place here gives conclusive evidence of the very great difficulties presented in the consideration of this bill. It has given the Committee on Military Affairs, I think, more concern, and we have taken more time in the consideration of this subject than any other single one that I know of that has been before the committee since the close of the war, at least; and I think it is very apparent that we can not make any progress with it now. I am very much in favor myself, and have always been, of putting the volunteer officers who came in through the National Guard and the training camps on an equality with the officers who were in the Regular Army.

Mr. HARRISON. That is exactly my position.

Mr. NEW. But I do not think this bill, as amended, does it.

Mr. LENROOT. It does not.

Mr. NEW. It does not, and I am far from satisfied with it myself. I think it is very apparent that we can not make any progress with it to-day.

Mr. HARRISON. Do the Senator from Wisconsin and the Senator from Indiana agree on that proposition?

Mr. LENROOT. Oh, it does not; no. The amendment does not put them on the same basis.

Mr. NEW. The bill, as amended, does not.

Mr. HARRISON. But the original bill did?

Mr. LENROOT. If the Senator from Mississippi will read the report of the committee, he will find that the bill is reported purely as a compensation measure. My objection to it is that it discriminates against the privates; it discriminates against the lower grades of officers in the matter of the amount of compensation.

Mr. HARRISON. We could vote down the Senate committee amendment, and vote for the passage of the original bill.

Mr. LENROOT. Very well; then we will assume that the original bill—

Mr. HARRISON. I understood the Senator from Wisconsin to favor the original bill.

Mr. LENROOT. No; I did not; oh, no. The Senator asked if the Senator from Indiana and I agreed as to what the amendment did, and I said we did; but before the Senator from Mississippi concludes that he is in favor of the original bill I want to call his attention—

Mr. HARRISON. I am trying to get information; that is all.

Mr. LENROOT. I am trying to give it to the Senator. I want to call his attention to what the original bill would do. Disability in the Regular Army is based wholly upon the officer's ability to carry on his duties as an officer and engage in the military service. An officer in the Regular Army may have a stiff knee, and he is retired at three-fourths pay. If the

original bill should go through, assume that an emergency officer has a stiff knee that does not interfere, perhaps, with his pursuing his usual vocation. We will say he is retired. For that slight defect he would receive \$3,000 a year, where a private with both legs cut off would receive very much less than this officer would receive.

Mr. HARRISON. Of course, I am opposed to any such proposition as that.

Mr. LENROOT. Of course the Senator is. That is why I am objecting to this bill.

Mr. HARRISON. I merely wanted to get information about it.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. HARRISON. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. SUTHERLAND. I desire to ask the Senator from Wisconsin whether this proposed law discriminates any more as between officers and privates, or between officers of different grades, than does the existing law?

Mr. LENROOT. No; but the Senator must know the distinction, although if he will yield to me I shall be very glad to state it to him.

Mr. SUTHERLAND. I think I know the distinction, but I thought the Senator—

Mr. FLETCHER. I call for the regular order.

Mr. LENROOT. I know the distinction.

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has a right to debate five minutes.

Mr. LENROOT. I shall be glad to state it.

Mr. FLETCHER. I understood that objection was made to the bill.

The PRESIDING OFFICER. No; not yet.

Mr. FLETCHER. Did not the Senator object to taking up the bill?

The PRESIDING OFFICER. Objection was withheld. Is there objection?

Mr. LENROOT. I object.

The PRESIDING OFFICER. The bill will be passed over.

#### CEMETERY OF WHITE'S TABERNACLE NO. 39.

The bill (S. 2108) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.* That from and after the date of the passage of this act it shall be unlawful to inter the body of any person in the cemetery known as the cemetery of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia and situate in the District of Columbia, to wit: Part of a tract called "Chappell's Vacancy," contained within the following metes and bounds, namely: Beginning for the same at the southeast corner of the land conveyed to Frederick Bangarter by deed recorded in Liber Numbered Seven hundred and eighty-five, folio four hundred and seventy-four, of the land records of the District of Columbia, and running thence north fifteen and three-fourths degrees east, twenty and forty-four hundredths perches; thence south eighty-nine degrees east, three and nine-tenths perches; thence south fifteen and three-fourths degrees west, twenty and forty-four hundredths perches; thence north eighty-nine degrees west, three and nine-tenths perches to the point of beginning; and any person or persons violating the provisions of this act, or aiding or abetting its violation, shall be subject to a fine of not less than \$100, nor more than \$500 for each offense, to be collected as other fines are collected in the District of Columbia.

Sec. 2. That the board of officers of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, be, and they are hereby, authorized and empowered, under such regulations as the Commissioners of the District of Columbia may prescribe, to disinter and remove all the bodies now buried in said cemetery lot, and to transfer and reinter the same in some other suitable cemetery or cemeteries selected by the said board of officers of White's Tabernacle No. 39 of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, and at the cost and expense of said order: *Provided*, That each monument, tombstone, or marker marking any grave or graves in said described burial ground shall be transferred to mark the grave or graves in which such body or bodies are to be interred, and shall be there placed in position as soon as can be done without danger of settling.

Sec. 3. That in so far as the same shall be inconsistent with the provisions of this act as to the cemetery lot herein described, sections 675 and 680 of the Code of Laws of the District of Columbia shall be, and the same are hereby, declared inoperative, otherwise said sections 675 and 680 to remain unqualified and in full force and effect.

Mr. PITTMAN. Mr. President, that is a bill I inherited from the late Senator Newlands. It is a bill that has been approved by the Commissioners of the District of Columbia on several occasions. There is an abandoned cemetery in the District for colored people which has not been used since 1910. The association are very anxious to have permission to remove the bodies and reinter them in another cemetery which has been

approved by the cemetery association. That is all the bill amounts to.

Mr. HARRISON. What is the name of the organization, may I ask?

The PRESIDING OFFICER. The Secretary will report the name of the order.

The READING CLERK. It is the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF WEIGHTS AND MEASURES ACT.

The bill (S. 2207) to amend the act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes," approved March 3, 1921, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.* That the act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes," approved March 3, 1921, be, and the same is hereby, amended by striking out section 13 and inserting the following in lieu thereof:

"Sec. 13. That the standard loaf of bread manufactured for sale, sold, offered, or exposed for sale in the District of Columbia shall weigh 1 pound avoirdupois, but bread may also be manufactured for sale, sold, offered, or exposed for sale in loaves of one-half pound, 1½ pounds, or multiples of 1 pound, but shall not be manufactured for sale, sold, offered, or exposed for sale in other than the aforesaid weights. Every loaf of bread manufactured for sale, sold, offered, or exposed for sale in the District of Columbia shall have affixed thereon, in a conspicuous place, a label at least 1 inch square, or, if round, at least 1 inch in diameter, upon which label there shall be printed in plain, bold-face Gothic type, not smaller than 12 point, the weight of the loaf in pound, pounds, or fraction of a pound, as the case may be, whether the loaf be a standard loaf or not, the letters and figures of which shall be printed in black ink upon white paper. The business name and address of the maker, baker, or manufacturer of the loaf shall also be plainly printed on each such label. Every seller of bread in the District of Columbia shall keep a suitable scale which shall have been inspected and approved in accordance with the provisions of this act in a conspicuous place in his bakery, bakeshop, or store, or other place where he is engaged in the sale of bread, and shall, whenever requested by the buyer, and in the presence of the buyer, weigh the loaf or loaves of bread sold or offered for sale. Nothing herein shall apply to crackers, pretzels, buns, rolls, scones, or to loaves of fancy bread weighing less than one-fourth of 1 pound avoirdupois, or to what is commonly known as stale bread, provided the seller shall, at the time the sale is made, expressly state to the buyer that the bread so sold is stale bread: *Provided*, That any loaf of bread weighing within 10 per cent in excess or within 4 per cent less than standard weight shall be deemed of legal weight."

Mr. KING. May I inquire of the Senator from Delaware whether there is any guaranty that the weight shall be perpetuated, that the bread will not shrink, or that evaporation will not reduce it?

Mr. BALL. The weight is to be tagged on every loaf, whether it be a half-pound, a pound, or a pound-and-a-half loaf. The only change from the present law, as passed at the last session, is that this will permit the sale of a pound-and-a-half loaf.

Mr. KING. I was interested to know how you would prevent evaporation of the water from the roll and prevent it from shrinking so that it would get below the pound weight.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

#### NATIONAL GUARDSMEN IN WORLD WAR.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Mr. President, I think these matters relating to the Army compensation, pensions, and so forth, ought to be considered more with reference to each other and at a time when we can fully discuss them. I hope the Senator will not press for the consideration of this bill.

Mr. SHEPPARD. Will the Senator allow me to make an explanation?

Mr. KING. I will withdraw the objection for that purpose.



Mr. SHEPPARD. Mr. President, some time in 1918 the Comptroller of the Treasury decided that officers and enlisted men of the National Guard who were drafted into the service pursuant to the act of June 3, 1916, were entitled to count for longevity and continuous service pay their previous National Guard service, but that officers and enlisted men having previous National Guard service who came into the service otherwise than through the draft were not entitled to those allowances. In order to obviate the effect of that decision, in July, 1918, Congress passed an act putting all these men on the same basis. The Comptroller of the Treasury then held that that act was prospective and could not by its terms be considered as having a retroactive operation. The present bill applies only to those who came in otherwise than through the draft before July, 1918. Its purpose is to make effective the intention which Congress meant to express in the act of July, 1918. There are not many of these men, and the pending bill places them on a parity with their fellow guardsmen.

Mr. KING. What obligation does it entail upon the Government?

Mr. SHEPPARD. Not over a comparatively small amount, as I understand it. The Secretary of War under the last administration said it did not involve any considerable amount and that the number affected was small. The present Secretary of War, Mr. Weeks, also approves the bill.

Mr. KING. It would compel the Government, then, to make a payment to a number who are not in the service now?

Mr. SHEPPARD. Some of them probably are still in the service.

Mr. KING. But how does it affect those who are not in the service, pecuniarily or otherwise? How are those who have been separated from the military service of the Government affected by this legislation?

Mr. SHEPPARD. They are all put on the same basis whether still in the service or not; it puts them in the same category.

Mr. KING. I am interested to know how it would affect the Government in a pecuniary way. Would it require the Government to make them compensation which was denied them in the past to which, under the Senator's view, they were entitled?

Mr. SHEPPARD. I am unable to give the Senator the exact figures, but I shall endeavor to secure them.

Mr. KING. I do not know that I shall object to the consideration of the bill later, but I will be glad to have further information in regard to it.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### DISTRICT SUPERINTENDENTS OF COAST GUARD.

The bill (S. 1075) giving permanent rank to district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### PAYMENT OF CLAIMS FOR MATERIAL AND LABOR FURNISHED FOR DISTRICT OF COLUMBIA BUILDINGS.

The bill (S. 5) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the act entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," approved February 28, 1899, is hereby amended so as to read as follows:

"That hereafter any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public buildings or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States or by the District of Columbia on the bond of the contractor and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States or the District of Columbia. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States or the District of Columbia, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States or the District of Columbia within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and material shall, upon application therefor, and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be fur-

nished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States or the District of Columbia, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or creditors, only one action shall be brought, and any creditor may file his claim in such action and be made a party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States or the District of Columbia by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation published in the District of Columbia, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARINE INSURANCE IN THE DISTRICT OF COLUMBIA.

The bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read.

Mr. LENROOT. I ask that the bill go over. I do not know anything about it.

Mr. JONES of Washington. I wish to say with reference to the bill that I know it is rather long, but it is one of considerable importance. I hope we may have an opportunity to pass it before the recess, if possible, and some day when we are not crowded with other business I hope I may have an opportunity to bring it up and have it considered and passed.

The PRESIDING OFFICER. The bill will be passed over.

#### DISTRIBUTION OF ABANDONED OR FORFEITED TOBACCO, ETC.

The bill (S. 1718) authorizing the distribution of abandoned or forfeited tobacco, snuff, cigars, or cigarettes to hospitals maintained by the United States for the use of present or former members of the military or naval forces of the United States was announced as next in order.

Mr. KING. Mr. President, I should like to inquire of the Senator from New York [Mr. CALDER] why there should be a destruction of the property, because it will not bring the full amount of the tax or why there should be, on the other hand, a gift of it if it fails to bring enough to pay the amount of the tax?

Mr. CALDER. Under section 3369 of the Revised Statutes it is provided:

That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes, when offered for sale, will not bring a price equal to the tax due and payable thereon such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue he is authorized to order the destruction of such tobacco, snuff, cigars, or cigarettes by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe, or he may under such regulations order delivery of such tobacco, snuff, cigars, or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States.

That is the present law. It is required by that law that they shall be so destroyed. The bill simply provides that the Commissioner of Internal Revenue may, under such regulations, order the delivery of such tobacco, snuff, or cigars or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States.

Mr. KING. I agree with the Senator's proposed amendment, and I was familiar with the fact that that was the existing law, but I was wondering as to the wisdom of it. When we were amending, why was there not some discretion given that if a sum approximating the tax, or 50 per cent of the tax, could be obtained it should be sold?

Mr. CALDER. I do not know the reasons which actuated the framers of the provision originally, but I found the law as it is to-day and felt that rather than have the tobacco and cigarettes destroyed it would be better that the soldiers have them. This was brought to my attention, I will say to the Senator, by the chairman of the welfare committee of the American Legion in my State. I submitted it to the Committee on Finance and, if the Senator has noticed the report, they have observed, as the

Secretary of the Treasury observed, that there is no objection to the bill.

Mr. KING. I think the amendment of the Senator is meritorious. The point that suggested itself to me was this: The property might not pay the amount of the tax. The tax might be very heavy. The tax might be upon property a portion of which was destroyed, so that it could not be of any value, and yet the residue might be of considerable value but not of sufficient value to pay the entire tax. To order destruction seems to me most absurd. I wondered why they have permitted the statute to remain.

Mr. CALDER. It is the law to-day, however, I will say to the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

*Be it enacted, etc.,* That the last proviso of section 3369 of the Revised Statutes is amended to read as follows:

*"And provided further,* That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue, he is authorized to order the destruction of such tobacco, snuff, cigars, or cigarettes by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe, or he may, under such regulations, order delivery of such tobacco, snuff, cigars, or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FEDERAL RESERVE SYSTEM AND COMPTROLLER OF THE CURRENCY.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency was announced as next in order.

Mr. LENROOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### JURISDICTION OVER CERTAIN LANDS IN TEXAS.

The bill (S. 2133) ceding jurisdiction to the State of Texas over certain lands or bancos acquired by the United States of America from the United States of Mexico was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with amendments, in line 9, page 1, to strike out the word "constitute" and insert the word "be," and in line 6, page 2, to strike out the word "hereinafter" and insert the words "be and," so as to make the bill read:

*Be it enacted, etc.,* That all the lands or bancos acquired by the Government of the United States of America by virtue of its treaty with the United States of Mexico of March 20, 1905, and subsequent thereto, and which lie adjacent to the territory of the State of Texas as constituted by the compromise act of Congress of September 9, 1850, and accepted by the State of Texas on November 25, 1850, shall be and become a part of the State of Texas, and shall be under the civil and criminal jurisdiction of said State of Texas, and of the respective subdivisions of said State of Texas, wherein said land lies; and that all lands or bancos hereinafter acquired by the United States of America from the United States of Mexico, by virtue of said treaty, which shall lie adjoining to the State of Texas, shall be and become part of said State of Texas and be subject to its civil and criminal jurisdiction without any further enactment from the Congress of the United States.

Mr. LODGE. There is another amendment that should be made. In line 3, page 2, the word "hereinafter" should be stricken out and the word "hereafter" inserted. I so move.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF FEDERAL RESERVE ACT.

The bill (S. 2263) to amend the Federal reserve act, approved December 23, 1913, was announced as next in order.

Mr. BORAH. Mr. President, there is apparently no one here representing the Committee on Banking and Currency. This seems to be a very important bill. I have not any objection to it myself, but it seems to me very extraordinary to pass this kind of a bill without any knowledge at all on the part of the Senate.

Mr. KING. Does it increase the membership of the Federal Reserve Board?

Mr. BORAH. Yes; it increases the membership.

Mr. KING. If it increases the membership, I object.

The PRESIDING OFFICER. The bill will be passed over.

#### ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

The bill (H. R. 2373) to authorize association of producers of agricultural products was announced as next in order.

Mr. KING. This bill is of very great merit, but it will take considerable time, and some Senators who desire to be present when it is considered are not now here. For that reason I ask that it may go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

#### RIGHT OF WAY AT SPRINGFIELD ARMORY, MASS.

The bill (S. 2306) to authorize the Secretary of War to release a certain right of way no longer needed for military purposes at Springfield Armory, Mass., was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to release and quitclaim the easement or interest acquired by the United States from Edward Ingersoll and wife, by deed dated May 14, 1859, for a right of way in connection with Springfield Armory, Springfield, Mass., upon the payment of a reasonable compensation to be fixed by the Secretary of War, and to execute any instrument or instruments necessary to quiet title in the purchaser thereof, the said right of way being no longer used or necessary for military purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PORT HUDSON STORMING PARTY MEDALS.

The bill (S. 65) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 10, to strike out the period and the word "in" and insert a comma and the words "and that, in," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized pursuant to General Order No. 49, by command of Maj. Gen. Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the surviving volunteers of said storming party, and that, in case of the decease of the volunteer, said medal shall be given to his widow or oldest heir: *Provided,* That such medal shall bear an inscription in suitable language, to be designated by the Secretary of War, giving the name of the volunteer, his company and regiment, and stating in substance that the person to whom this medal was awarded volunteered for said storming party: *Provided further,* That for the purposes of this act the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SUGAR EQUALIZATION BOARD.

The joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. LENROOT and Mr. WATSON of Georgia. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

#### AMENDMENT OF NATIONAL DEFENSE ACT.

The bill (S. 2333) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. KING. Reserving the right to object, may I ask the Senator from Indiana [Mr. New] whether this is a pressing measure? It seems to me it affects some part of the Army organization, and is of considerable importance.

Mr. FLETCHER. Pending the answer of the Senator from Indiana, I will say that this is intended to give the President power to remove any officer in the Army. At present he has no such authority and no such power. The President could not dismiss, for instance, Gen. Pershing or any other commander in the Army under the existing law. This is intended to give him that authority. He should have the power and authority to remove any officer in the Army.

Mr. KING. Without an appeal?



Mr. FLETCHER. Yes; I think so. The President is the commander in chief, and it is thought wise to place that authority in the hands of the commander in chief. It is hardly proper to hold him responsible for the success of the Army without that authority.

Mr. KING. Does it take all these pages of print, as contained in the bill, to effectuate that simple result or tragic result, as the case may be?

Mr. FLETCHER. It is to amend a special provision in the existing law, and apparently they have set out that provision and then added enough to effect what I have suggested. That was made necessary in order to make it clear. It might have been done by a separate act in a briefer way.

Mr. WARREN. Mr. President, this bill means simply this: Under the present law a man may be appointed to the head of any one of the staff positions and he holds the position for four years whether the President wishes him to hold it for that length of time or not. The bill proposes to put such officers on the same basis as others, so that the President may cut that time short if he sees fit as to any one of that line of officers. It would include The Adjutant General, the Quartermaster General, the head of the Ordnance Department, and all the other heads of Staff Corps and other departments.

Mr. BORAH. Mr. President, I called attention this morning to the fact that an examination has been provided on the 22d of August for a thousand more commissioned officers of the Army. I wish to ask members of the Committee on Military Affairs, who are now present, if they see any objection to including in this particular bill an amendment to the effect that no more commissions shall be issued by the Secretary of War until further advised by Congress.

Mr. NEW. Yes. As a member of that committee I think there is objection to such an amendment. The Army is almost entirely without second lieutenants.

Mr. BORAH. That is because men have been advanced so rapidly who ought not to have been advanced.

Mr. NEW. Whatever the cause, the deficiency in a necessary grade of officers exists and a failure to appoint second lieutenants would not rectify a mistake if a mistake were made in the other case.

Mr. BORAH. Mr. President, I am informed that there are at present a number of commissioned officers performing services which have heretofore been performed by clerks at from \$1,400 to \$1,500 a year, because it is necessary to find some form of activity for those officers, there being so many of them in the Army that there is no work for them to do.

Mr. NEW. I do not think that is the case; but if an officer is available and is drawing pay, in any event, I think the Government has saved \$1,500 if he is detailed to do the work of a clerk and the clerk is dismissed. I do not see that the Government has lost anything by that.

Mr. BORAH. I think that the Government has lost considerably by that kind of service being performed by officers at the salaries which such officers are paid.

Mr. NEW. I do not think that that condition exists to any considerable extent. There may be instances of it, of which I know nothing, but that that is generally true, I do not know or believe. I think the Senator from Idaho is misinformed as to that.

Mr. BORAH. I do not think I am misinformed, because I received my information from an Army officer himself. But, Mr. President—

Mr. McKELLAR. Mr. President—

Mr. BORAH. Just a moment. It is a notorious fact, as the Senator from Indiana knows, that we have now 14,000 commissioned officers in the Army, and only 150,000 men. What possible excuse can there be for adding another thousand officers to the 14,000 which we already have?

Mr. NEW. The excuse is found in the fact that there are substantially no officers of the grades which are proposed to be provided for by this bill.

Mr. BORAH. But there are officers who can perform the services and the duties of the second lieutenants?

Mr. NEW. No.

Mr. BORAH. I think the Senator from Indiana is in error about that.

Mr. NEW. No; the Senator from Indiana thinks that the mistake is on the part of the Senator from Idaho.

Mr. McKELLAR. Will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. McKELLAR. I wish to call the Senator's attention to the fact that it is true, as the Senator from Indiana [Mr. NEW] has said, that we have no second lieutenants; but the War Department itself has abolished all distinctions between captains and first and second lieutenants in so far as promotion is con-

cerned. I think that is absolutely wrong; I think they have made a very egregious blunder in doing that; but the War Department by their strained construction of the so-called single list having abolished all difference between captain and first and second lieutenants, there is no reason in the world why it may not adopt the suggestion which has been made by the Senator from Idaho [Mr. BORAH], and assign certain of these officers to the performance of the duties of captains and certain of them to the performance of the duties of first lieutenants and certain others of them to the performance of the duties of second lieutenants. I think the Senator from Idaho is entirely correct that, with the distinction, so far as promotion is concerned—and that is the only real distinction that there is in time of peace—abolished as between captains and first and second lieutenants, we ought not add any more officers to the Army until we get rid of those two grades.

Mr. NEW. Mr. President, that opens up another subject in which the Senator from Tennessee has manifested a very lively and a very proper interest, but which has no bearing whatever on the question now at issue. The fact is that there are substantially no second lieutenants to perform the duties of that grade in the Army now. They are very much needed; in fact, they are essential.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I do.

Mr. LENROOT. I wish to ask the Senator from Indiana if the duties to which he refers are not now being performed by first lieutenants and captains?

Mr. NEW. They are.

Mr. BORAH. I ask that the bill may go over until to-morrow. If it again comes up, I will offer an amendment to it and see whether or not the Senate thinks it necessary to add a thousand more commissioned officers to the 14,000 which we now have, with an Army of only 150,000 men.

The PRESIDING OFFICER. Being objected to, the bill goes over.

MAJ. FRANCIS M. MADDOX.

The bill (H. R. 6407) for the relief of Maj. Francis M. Maddox, United States Army, was announced as next in order.

Mr. LENROOT. Let that bill go over, Mr. President.

Mr. HEFLIN. I believe we have an agreement that that bill is to be taken up for consideration to-morrow immediately after the disposition of the Ball rent bill.

The PRESIDING OFFICER. Being objected to, the bill will go over.

NATIONAL GRAIN DEALERS' ASSOCIATION.

The resolution (S. Res. 110) to investigate activities of the National Grain Dealers' Association and other organizations engaged in combating legislation for the relief of agriculture was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I desire to inquire of the Senator from Wisconsin [Mr. LENROOT] whether or not the joint committee, of which he is a member and which is now making certain extensive investigations, would have authority to cover the same field contemplated by the resolution which has just been stated from the desk?

Mr. LENROOT. I will say to the Senator from Utah that I have not examined the resolution. The agricultural commission to which the Senator refers has a broad field of inquiry; but I really should be unable to answer his question until I had examined the resolution.

Mr. KING. Mr. President, obviously no investigation could be conducted between now and the proposed recess. So, in view of the fact that we have so many committees functioning and conducting investigations, I suggest that this resolution be passed over, at least temporarily.

The PRESIDING OFFICER. The resolution will go over.

MEMORIAL BUILDING AT ABILENE, TEX.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6514) granting Parramore Post, No. 57, American Legion, permission to construct a memorial building on the Federal site at Abilene, Tex. The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and empowered to grant an easement to the executive committee of Parramore Post, No. 57, American Legion, and its successors in office, for the use, without expense to the United States, of the strip of land off the Federal building site fronting 150 feet on the south side of North Fourth Street and extending southwardly, of that width, along the east side of Pine Street 100 feet, in block 20, Abilene, Tex., for the purpose of erecting thereon a memorial building to the soldiers and sailors of Taylor County who served in the Great War, said easement to continue as long as such building shall be devoted to the original purpose: *Provided, however,* That said easement shall cease and determine, and the custody and control of said parcel



of land shall revert to the United States if said memorial building is not erected thereon within five years from the date of this act: *And provided further*, That the design and construction of the said memorial building shall be approved by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE WASHINGTON MEMORIAL BUILDING.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 67) stating the true meaning and intent of the provisions relating to the erection and use of the George Washington Memorial Building in the act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes," approved March 4, 1913, as amended, which was read as follows:

*Resolved, etc.*, That the true meaning and intent of the provisions in the act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes," approved March 4, 1913, as amended, giving authority for the erection of the George Washington Memorial Building, is that the auditorium therein contemplated shall be available for the use of such conventions as are civic, scientific, educational, patriotic, national, or international in character, and the provisions of such acts shall be so construed by the Regents of the Smithsonian Institution.

Sec. 2. That the erection of the George Washington Memorial Building may be begun as soon as the temporary war buildings have been removed from the site and \$500,000 has been paid into the treasury of the George Washington Memorial Association.

Mr. WARREN. Mr. President, the bill does not change the present situation at all regarding the proposed memorial building, except that it liberalizes the conditions under which the building shall be erected, so that it may be opened to various classes of occupancy and be made of more substantial use to the public generally.

Mr. JONES of Washington. Mr. President, I do not see that the bill will accomplish anything; I do not believe that Congress can construe a law which it has already passed or add anything to the force of the law. If it is the purpose and intent of the bill to permit the use of the proposed building for purposes for which the law does not now permit it to be used, it seems to me we would have to provide by legislation to have that done; but we can not do it by simply construing the other law or authorizing somebody to construe the law in that way.

Mr. KING. I will suggest to the Senator, if he will permit me, that we frequently enact statutes alleged to be declaratory of the common law, but which really expand and modify and oftentimes greatly enlarge, at least, the construction placed upon the common law by the courts.

Mr. JONES of Washington. But this is a bill that purports to construe a law which we have already passed, or authorizes the Regents of the Smithsonian Institution to construe that law in a certain way. How that can add to the former law I can not see.

I do not like to object to the bill; yet it seems to me that we are doing a vain thing when we pass it. It would be a very simple thing to say that the proposed building may be used for the purposes desired, and that is what we ought to say.

Mr. WARREN. Mr. President, I presume the Senator knows the facts concerning the proposed building. It is to be erected not by the Government of the United States but a very patriotic woman has already raised something over \$500,000, and is raising the remainder necessary to construct a great memorial to the survivors of the World War. Of course, she not only wants the building to be a great memorial but she desires it also to contribute to the convenience of the city in connection with conventions held here, and so forth.

There has been some anxiety on the part of those who would like to subscribe to the fund for the building whether it is to be open in a general public way, just as is the Smithsonian Institution and other similar buildings. Therefore the bill was suggested by the benefactor. I see no harm in it, and I hope that it will not be objected to and that it will pass.

Mr. JONES of Washington. Of course, I am in hearty accord with the purpose to which the Senator refers, and I understand the bill is designed for the protection of those who want some additional authority provided before they put up their money; but it seems to me Congress ought to give express authority for the use of the building instead of saying that the regents may construe the previous act.

Mr. WARREN. I will remind the Senator that it is not to be a Government building.

Mr. JONES of Washington. I understand that; but apparently it is thought that there should be some additional au-

thority to use the proposed building for certain purposes. Congress has been called upon to act with reference to the matter heretofore; we have passed a law which apparently some of those who want to put up their money do not think is sufficient, and instead of having Congress grant the express authority to use the building for the purposes desired, Congress is construing the law or authorizing the regents to construe the law so as to do so. Suppose a question shall be raised in the courts; the courts would not take the construction of the law placed upon it by the regents unless that construction were warranted by the language of the law itself.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. JONES of Washington. Certainly.

Mr. WARREN. The bill was prepared, I think, by Mr. McFarland after consulting with the legal department and was presented in the form in which it now is. The lady who is raising the money for the construction of the building is now abroad. The bill was prepared before she left and has been presented in the way I have indicated, Mr. McFarland having taken, in his judgment, proper advice concerning it.

As I have already said, the building is to be erected from funds contributed entirely by private individuals. The Government had agreed heretofore to grant land, but the land was afterwards used for a temporary war building. The authority to use the land at the time was extended; the temporary building is now being torn down, and it is desired to proceed with the laying of the corner stone of the proposed new building in a short time.

Mr. JONES of Washington. Mr. President, of course I understand that the bill was prepared outside, yet that is no reason why we should adopt language or enact legislation that really amounts to nothing, in my judgment. I may be entirely wrong; I am not going to object to the consideration of the bill; but I desire to call attention to the feature of it which I have mentioned. In my judgment, hereafter if any legal controversy arises as to the effect of this proposed legislation the courts will hold that it amounts to nothing.

The PRESIDING OFFICER. The Chair was going to suggest to the Senator from Washington that if all of the first page of the joint resolution—the first six lines and the first four and one-half lines on the second page—were stricken out, and it were simply provided that the auditorium contained in the George Washington Memorial Building shall be available for the use of such conventions, that would give distinct authority.

Mr. JONES of Washington. That certainly is the way it ought to be.

The PRESIDING OFFICER. The Chair agrees with the Senator from Washington.

Mr. McKELLAR. Why not amend it so as to make it what it ought to be?

Mr. JONES of Washington. I should like to offer the amendment that the Chair has suggested, if the Chair prefers that I do it.

The PRESIDING OFFICER. The Chair would suggest the striking out on page 1 of the bill of lines 3, 4, 5, and 6 and on page 2 of the bill of lines 1, 2, 3, and 4, and the insertion of the words:

That the auditorium of the George Washington Memorial Building, as provided for in the act approved March 4, 1913, shall be—

And then let the rest of the bill remain the same as it is now.

Mr. JONES of Washington. That, I think, would be beneficial.

Mr. WARREN. As I understand, that leaves undisturbed all of the bill after what line?

The PRESIDING OFFICER. It strikes out all of the first page of the bill except the enacting clause, the first four lines; and instead of saying that the act shall be construed so that its meaning shall be that this hall shall be used in a certain way, it provides that the hall shall be open to these conventions.

Mr. WARREN. Does it leave in any reference to the Smithsonian Institution, and so forth?

Mr. FLETCHER. It leaves section 2 as it is now.

The PRESIDING OFFICER. It leaves section 2 as it stands.

Mr. FLETCHER. I understand that the Senator from Washington offers that amendment.

The PRESIDING OFFICER. The Chair would suggest that the bill be passed over temporarily—the Chair does not want to object to it—and that the Senator from Washington prepare the proper amendment, and we will recur to it later, by unanimous consent, after we finish the calendar. If there is no objection, that course will be taken. The Secretary will state the next bill on the calendar.

Mr. WARREN subsequently said: Mr. President, I send to the desk an amendment to Senate joint resolution 67, which was under consideration a few moments ago, and ask to have it stated.



The PRESIDING OFFICER. The amendment will be stated. The ASSISTANT SECRETARY. It is proposed to amend the joint resolution so that it will read:

That the auditorium contemplated by the act entitled "An act to increase the limit of cost of certain public buildings," etc., approved March 4, 1913, as amended, giving authority for the erection of the George Washington Memorial Building, shall be available for the use of such conventions as are civic, scientific, educational, patriotic, national, or international in character.

Section 2 remains the same as in the printed joint resolution. The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. May I ask the Senator whether that will provide for the holding of a national political convention of any sort in it?

Mr. WARREN. I do not suppose the Senator wants to put that language in, but it would seem as if it would cover that.

Mr. McKELLAR. The word "national" probably would make that full enough.

The PRESIDING OFFICER. If there be no further amendment to be proposed the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (S. 2356) for the relief of Clarence L. Reames was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 165) for the relief of Hans Weideman was announced as next in order.

Mr. KING. Mr. President, I desire to inquire whether the Government of the United States was put to the expense of apprehending the fleeing criminal. If so, that amount ought to be deducted from the forfeited bond. It would certainly be unjust, if the Government was put to expense to recapture the criminal who had fled, to return to the bondsman the entire amount.

If no Senator can give any information on that subject I shall ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### CITY OF WEST POINT, GA.

The bill (H. R. 2117) for the relief of the city of West Point, Ga., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the city of West Point, in the State of Georgia, be, and hereby is, relieved of any liability to and from paying any amount to the Government of the United States, or any department thereof, on account of the construction and maintenance of a pontoon bridge across the Chattahoochee River at West Point, Ga., constructed and maintained under public resolution No. 25, Sixty-sixth Congress, and from paying the Government for any damage to or loss of any part of the material used in said bridge: *Provided*, That the transportation of personnel, material of first and second bridge, and inspection by officers, all amounting to \$2,705.77, shall be paid by said city of West Point, and also transportation charges of bridge material now on hand from West Point, Ga., to the point where the Secretary of War may direct said material to be shipped, but not for a greater distance or expense than that from the point which said material was shipped to said West Point, Ga.

Mr. WATSON of Georgia. Mr. President, very briefly I will explain to the Senate that this bill seeks to relieve the city of West Point, situated on the Chattahoochee River, the boundary line between the States of Georgia and Alabama, of an expense account rendered against it by the War Department in the reconstruction of a bridge across the Chattahoochee River.

A couple of years ago we had a great flood that overflowed West Point, devastated a large area in the little city, and inflicted upon it damages of a million or so of dollars. In reconstructing the bridge some soldiers from a nearby cantonment rendered some manual service, and the War Department put in a claim for the service rendered by these soldiers from the cantonment; but the position taken by the Government now is that the expense of these soldiers was not increased at all. They, of course, received no extra pay from the Government. It was a question of their being at West Point engaged on the bridge or being at the cantonment, Camp Gordon, doing drill work or other necessary camp duty; and the city of West Point simply asks to be relieved of this charge against it. A bill to that effect having been introduced in the other House, has been favorably acted upon there, and the Senate committee here has acted upon it favorably, and it is now ready for passage.

Mr. KING. May I inquire of the Senator whether or not the bridge, after reconstruction, was available for use by the

Federal Government and whether it was used by the Federal Government?

Mr. WATSON of Georgia. It is available for the use of everybody.

Mr. KING. And was it used by the Government?

Mr. WATSON of Georgia. It is used by the Government, and by the traveling public generally.

Mr. KING. The Government is advantaged by its repair and reconstruction?

Mr. WATSON of Georgia. Necessarily so. The Government would have to have a bridge there across that navigable stream for the movement of its own troops and supplies.

The PRESIDING OFFICER (Mr. CAPPER in the chair). If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROSEN REICHARDT BROKERAGE CO.

The bill (S. 157) for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 7, after the words "sum of," to strike out "\$1,000" and insert "\$372.24," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Rosen Reichardt Brokerage Co., of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$372.24, the same being a refund of duty paid on certain walnuts imported on December 15, 1915, and covered by New York warehouse bond No. 88451.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER.

The bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). The bill will be passed over.

#### AMENDMENT OF NATIONAL MOTOR VEHICLE THEFT ACT.

The bill (S. 2272) to amend the act approved October 29, 1919, known as the national motor vehicle theft act, was considered as in Committee of the Whole. It proposes to amend the act approved October 29, 1919, known as the national motor vehicle theft act, by adding at the end thereof the following:

That whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle with intent to or in conspiracy to defraud the owner or any insurer carrying insurance thereon against loss by any hazard shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both. That whoever shall receive, conceal, store, barter, sell, or dispose of any motor vehicle moving as or which is a part of or which constitutes interstate commerce with intent to or in conspiracy to defraud the owner or any insurer carrying insurance thereon against loss by any hazard shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GRAZING FEES FOR USE OF NATIONAL FORESTS.

The bill (S. 2330) to extend the time for payment of grazing fees for the use of national forests during the calendar year 1921 was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the time for making payments of grazing fees for the use of national forests as provided by existing law is extended from the 1st day of September, 1921, to the 1st day of December, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STEAMSHIP "TEXAS."

The bill (S. 2153) authorizing the owners of the steamship *Texas* to bring suit against the United States of America was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 10, after the word "appeal," to insert:

*Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the

United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

And to strike out lines 18 to 24, both inclusive, on page 2, and lines 1 to 4, both inclusive, on page 3, so as to make the bill read:

*Be it enacted, etc.*, That the claim of the owners of the steamer *Texas* arising out of a collision between said steamer and the United States steamer *Frederick der Grosse*, off Tompkinsville, Staten Island, in the harbor of New York, on the 3d day of September, 1917, for and on account of the losses alleged to have been suffered in said collision by the owners of said steamer *Texas* by reason of damages to and detention of said steamer may be submitted to the United States District Court for the Southern District of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

#### BERING SEA CLAIMS OF AMERICAN CITIZENS.

The bill (S. 2235) to confer jurisdiction upon the Court of Claims to adjudicate the claims of American citizens was announced as next in order, and was read, as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims for determination of the law and the fact in the claims of American citizens, their heirs, or legal representatives, for damages or loss resulting from the seizure, detention, sale, or interference by the United States of vessels charged with unlawful sealing in the Bering Sea during the years 1875 to 1896, inclusive, and to enter judgment therefor.

SEC. 2. That all American citizens whose rights were affected by said seizure, detention, sale, or interference specifically referred to in section 1 hereof during the years 1875 to 1896, inclusive, may submit to the Court of Claims thereunder, and the court shall render judgment thereunder.

SEC. 3. That claims not presented within two years from the passage of this act shall hereafter be forever barred.

Mr. WARREN. What are the years given there?

The PRESIDING OFFICER. 1875 to 1896.

Mr. BRANDEGEE. Mr. President, briefly, it is the purpose of the bill to send to the Court of Claims the claims of Americans whose property was taken when the United States was claiming that the Bering Sea was what they called a *mare clausum*, a closed sea. It was finally decided not to be. These Americans were illegally arrested by the Federal authorities and deprived of their property. Our Government paid those of other nations who were illegally arrested and deprived of their property, the Russians paid theirs, and the British paid theirs. Those of our citizens who lost their property were of the greatest service as witnesses before the Bering Sea Commission, when we had the joint commission to decide that question. The claims of the British were reduced from over a million dollars down to \$250,000 by virtue of the testimony of these very people who lost their own property and whom we have not yet compensated.

A bill similar to this, except that it conferred jurisdiction upon the Circuit Court of the Ninth Circuit instead of upon the Court of Claims, has passed the Senate three times and has passed the House, but it has never passed both bodies in the same Congress. Three different favorable reports were made by the Committee on Foreign Relations on those measures. One was made by the distinguished Senator from Alabama, Mr. Morgan, another by Senator McCreary, and the third by another Senator, a member of the Foreign Relations Committee, whose name I do not now recall. They were all substantially the same, as I said, except that those bills gave jurisdiction to the Circuit Court of the Ninth Circuit, and this bill gives jurisdiction to the Court of Claims. It authorizes the Court of Claims to find the law and the facts, and, if the facts and the law warrant, to pronounce judgment.

Mr. OVERMAN. There is nothing in the claims involving damages?

Mr. BRANDEGEE. Oh, no; it is simply for the loss of their property, their vessels and the cargoes.

Mr. OVERMAN. That might involve damages. I do not know whether the question of damages comes in or not, but if there is any question of damages the Court of Claims will not have jurisdiction, and it ought to be referred to the Circuit Court of the Ninth Circuit.

Mr. BRANDEGEE. The bill as reported, of course, gives jurisdiction to the Court of Claims.

Mr. OVERMAN. I do not know whether there are any damages involved or not. I just suggest to the Senator that if there is a question of damages in it, of course the Court of Claims would have no jurisdiction, and it ought not to have, because it has no facilities for affording a jury trial.

Mr. BRANDEGEE. It ought not to have what?

Mr. OVERMAN. It ought not to have jurisdiction to try a case involving a question of damages.

Mr. BRANDEGEE. It ought to have jurisdiction to find the amount.

Mr. OVERMAN. To find the amount due on a contract, yes; but it has no jurisdiction of any questions sounding in tort.

Mr. BRANDEGEE. If the damages are simply the amount of the property that was taken, that is easy to ascertain.

Mr. OVERMAN. Yes.

Mr. BRANDEGEE. It is simply to recompense them for the value of the property that was taken.

Mr. OVERMAN. Property lost?

Mr. BRANDEGEE. Property lost, to find what it was worth.

Mr. OVERMAN. And not for any damages suffered by reason of the loss?

Mr. BRANDEGEE. Oh, no.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DREDGE "MARYLAND."

The bill (H. R. 1942) for the relief of the owners of the dredge *Maryland* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, after the words "claim of," to insert the words "John Emile, of Duval County, Fla., and"; on line 5, after the word "Alabama," to strike out the word "owner" and to insert in lieu thereof the word "owners"; on line 10, after the word "said," to strike out the words "Peoples Bank of Mobile" and to insert in lieu thereof the word "owners"; on page 2, line 3, after the word "decree," to insert the word "therein"; on line 4, after the word "damages," to insert the words "sustained by reason of said collision"; on line 5, after the word "due," to insert the words "either for or"; on line 6, after the words "United States," to strike out the words "in favor of the Peoples Bank of Mobile or against the Peoples Bank of Mobile in favor of the United States"; and on line 9, at the beginning of the line, to insert the words "and damages, with costs," so as to make the bill read:

*Be it enacted, etc.*, That the claim of John Emile, of Duval County, Fla., and the Peoples Bank of Mobile, a corporation under the laws of the State of Alabama, owners of the dredge *Maryland*, against the United States for damages alleged to have been caused by a collision between said dredge and the U. S. S. *O-4*, in the Cooper River at Charleston, S. C., on the 10th day of February, 1919, may be sued for by the said owners in the district court of the United States for the southern district of Florida, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree therein for the amount of such damages sustained by reason of said collision and costs, if any, as shall be found to be due either for or against the United States upon the same principles and measures of liability and damages, with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

Mr. SMOOT. Mr. President, I call attention to an amendment on page 2, line 9, where the language of the bill is "upon the same principles and measures of liability," after which it is proposed to insert the words "and damages, with costs." This is about the only instance of those words "with costs" ever being put in a bill passed by the Senate.

Mr. FLETCHER. That means the actual court costs, whichever way the damages go.

Mr. SMOOT. Those words have never been inserted in bills in the past. Damages have been allowed but never the costs, and in order to make it conform to the other bills the words "with costs" ought to be stricken out of that amendment.

Mr. FLETCHER. I have no objection to striking them out.

Mr. SMOOT. I ask that the vote by which that amendment was agreed to be reconsidered, and that the words "with costs" be stricken from the amendment.



The PRESIDING OFFICER. Without objection, the vote by which that amendment was agreed to will be reconsidered. The Secretary will state the amendment proposed by the Senator from Utah.

The READING CLERK. On page 2, line 9, in the committee amendment, the Senator from Utah proposes to strike out the words "with costs," so that it will read:

Upon the same principles and measures of liability and damages as in like cases in admiralty between private parties and with the same rights of appeal.

Mr. FLETCHER. I have no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, those words occur in another place on the same page and should be stricken out. I therefore move that, on line 4, page 2, after the word "collision," the words "and costs, if any" be stricken out, so that it will provide for straight damages for a collision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### AMENDMENT OF THE JUDICIAL CODE.

Mr. NELSON. Mr. President, I ask unanimous consent to go back to Senate bill 1831, to amend section 237 of the Judicial Code. That bill was introduced by the senior Senator from Iowa [Mr. CUMMINS], who is ill, and he is very anxious to have it passed.

Mr. KING. I objected to the consideration of that bill, but I shall be glad to have it taken up for consideration.

There being no objection, the bill was considered as in Committee of the Whole. It had been reported from the Committee on the Judiciary with amendments, on page 1, line 7, after the word "statutes," to insert the words "by the highest court of a State"; and on line 9, after the words "the Supreme Court," to strike out the word "may" and to insert in lieu thereof the word "shall," so as to make the bill read:

*Be it enacted, etc.,* That section 237 of the Judicial Code is hereby amended by adding thereto the following:

"In any suit involving the validity of a contract wherein it is claimed that a change in the rule of law or construction of statutes by the highest court of a State applicable to such contract would be repugnant to the Constitution of the United States, the Supreme Court shall, upon writ of error, reexamine, reverse, or affirm the final judgment of the highest court of a State in which a decision in the suit could be had if said claim is made in said court at any time before said final judgment is entered and if the decision is against the claim so made."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. KING. Mr. President, I would like to have some explanation of this bill.

Mr. NELSON. The bill is to cover the case where a contract has been entered into in a State, under the interpretation and construction of the laws of that State by the court, and afterwards an attempt is made by the court to so change the law as to invalidate that contract which was valid when made. It is simply to allow an appeal or a writ of error to the Supreme Court in such cases.

Mr. KING. I am not sure that I follow the Senator in all the implications which might arise in a State. Does it relate to suits which may be brought where there is no diversity of citizenship?

Mr. NELSON. Oh, no; it does not enlarge the jurisdiction at all. The Supreme Court, I may say, in cases where they have had an opportunity to decide, have held that where a contract was entered into in a State, under the decisions of the courts of that State, and was valid when entered into, the State court could not invalidate that contract by a subsequent decision. This does not enlarge the jurisdiction at all, in any shape or manner.

Mr. KING. Assume a contract between two citizens of the same State and litigation ensuing growing out of an alleged breach of the terms of the contract, and the Supreme Court of the State, perhaps contrary to former holdings, holds that the contract is invalid.

Mr. NELSON. I can not conceive how, under the judiciary act, the court could get jurisdiction of such a case.

Mr. KING. I was going to say, if the purpose of this act is to attempt to confer jurisdiction upon any Federal court by reason of the action of the highest tribunal of any State growing out of conditions such as I have indicated, I should oppose it; but if it involves merely the construction of a contract, or the alleged breach of a contract—

Mr. NELSON. That is all.

Mr. KING. Between citizens of different States—

Mr. NELSON. They must be citizens of different States.

Mr. KING. Or where the question of diversity of citizenship is involved, then I have no objection to the bill.

Mr. NELSON. It does not change that provision of the law at all.

Mr. KING. The Senator can assure the Senate that that is the situation, then?

Mr. NELSON. That is the situation. The Senator from Iowa [Mr. CUMMINS] introduced this bill and explained it before the Judiciary Committee, and that is the sole purpose of the measure.

Mr. KING. Have any evils been brought to the attention of the committee which have resulted from the present law?

Mr. NELSON. Yes. I can not at this moment recall the cases, but there have been cases in the Supreme Court where it has appeared that a contract when made or an engagement when made, under the decisions of a court of a State interpreting the law and the constitution of that State, was held valid, and the court of that State afterwards, when it came to the enforcement of the contract, made a different interpretation and invalidated it.

The Supreme Court has held properly that they could not do that. This is to allow an appeal in such cases and does not otherwise enlarge the jurisdiction of the court.

Mr. KING. We know that the Federal Government more and more is encroaching upon the States and upon their sovereign powers. I am unwilling to support any measure that enlarges the control of the Federal Government or any measure that will cripple the jurisdiction of the States over matters that are properly cognizable under the State constitutions and under the State laws. But if the bill relates merely to cases where there is diversity of citizenship and where now it is permissible to go from the State to the Federal court, I shall not object to its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF JUDICIAL CODE.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. KING. I object to the present consideration of the bill. The PRESIDING OFFICER. Objection is made. The bill will go to the calendar.

Mr. HEFLIN. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER. We are not yet through with the bills included in the unanimous-consent agreement.

Mr. KING. There is no question that the Senator from Alabama can object to the consideration of any other measure.

Mr. HEFLIN. May I inquire how many more bills there are?

The PRESIDING OFFICER. There are three more which are covered by the unanimous-consent agreement.

Mr. HEFLIN. Very well.

The PRESIDING OFFICER. The Secretary will announce the next order of business.

#### FOREIGN TRADE ZONES IN UNITED STATES PORTS OF ENTRY.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made, and the bill will retain its place on the calendar.

#### ASSESSMENT WORK ON UNPATENTED MINERAL CLAIMS.

The bill (H. R. 4813) changing the period of doing annual assessment work on unpatented mineral claims from the calendar year to the fiscal year beginning July 1 each year, which had been reported from the Committee on Mines and Mining without amendment, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That section 2 of "An act to amend sections 2324 and 2325 of the Revised Statutes of the United States concerning mineral lands," approved January 22, 1880, be, and the same is hereby, amended to read as follows:

"SEC. 2. That section 2324 of the Revised Statutes of the United States be amended by adding the following words: 'Provided, That the period within which the work required to be done annually on all unpatented mineral claims located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the 1st day of July succeeding the date of location of such claim: Provided further, That on all such valid existing claims the annual period ending December 31, 1921, shall continue to 12 o'clock meridian July 1, 1922.'"

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ROLPH NAVIGATION &amp; COAL CO.

The bill (S. 1408) authorizing the Rolph Navigation & Coal Co. to sue the United States to recover damages resulting from collisions, which had been reported from the Committee on Claims with amendments, was considered as in Committee of the Whole. The first amendment of the Committee on Claims was, in line 7, page 2, after the word "damages," to insert the words "and costs."

The amendment was rejected.

The next amendment of the Committee on Claims was, on page 2, in line 7, after the word "any," to insert the word "as," and in the same line, after the word "found," to insert the words "to be"; in line 8, after the word "do," to strike out the comma; in line 9, after the word "company," to insert the words "or against the Rolph Navigation & Coal Co. in favor of the United States"; in line 18, after the word "that," to strike out "should damages be found to be due to said Rolph Navigation & Coal Co. the amount of final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated" and to insert "said suit shall be brought and commenced within four months of the date of the passage of this act," so as to make the section read:

*Be it enacted, etc.,* That the claim of Rolph Navigation & Coal Co., a corporation organized and existing under and by virtue of the laws of the State of California, with its principal place of business in the city and county of San Francisco, in said State, owner of the barkentine *Hesperian* for damages caused by collision between said vessel and the destroyer *Risal*, a naval vessel belonging to the United States, in the Bay of San Francisco, on the 26th day of November, 1919, may be sued for and submitted to the United States District Court in and for the Northern District of California, sitting as a court in admiralty, and acting under the rules in admiralty, governing said court, in an action in which said Rolph Navigation & Coal Co. is hereby authorized to commence against the United States for the recovery of said damages. Said court shall have jurisdiction to hear and determine said action and enter its judgment or decree therein for the amount of such damages, if any, as shall be found to be due against the United States in favor of said Rolph Navigation & Coal Co., or against the Rolph Navigation & Coal Co. in favor of the United States, upon the same principles and according to the measure of liability prevailing in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of said action shall be given upon or after the commencement of said action to the Attorney General of the United States, as may be provided by order of said court, and it shall be the duty of the Attorney General upon receipt of such notice to cause the United States attorney in such district to appear for and defend the United States in such action: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The next amendment of the Committee on Claims was on page 3, line 11, after the word "damages" to insert the words "and costs."

The amendment was rejected.

The next amendments were in section 2 on page 3, line 11, before the word "be" to insert "as shall"; in line 12, after the word "due" to strike out the comma; in line 13, after the word "company" to insert "or against the Rolph Navigation & Coal Co. in favor of the United States"; and in line 23, after the word "That", to strike out "should damages be found to be due to said Rolph Navigation & Coal Co. the amount of final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated" and to insert "said suit shall be brought and commenced within four months of the date of the passage of this act"; so as to make the section read:

SEC. 2. That the claim of said Rolph Navigation & Coal Co., owner of the coal barge *Alden Besse* for damages caused by collision between said vessel and the destroyer *Buchanan*, a naval vessel belonging to the United States, in the Bay of San Francisco, on the 1st day of September, 1919, may be sued for and submitted to the United States District Court in and for the Northern District of California, sitting as a court of admiralty, and acting under the rules in admiralty governing said court, in an action in which said Rolph Navigation & Coal Co. is hereby authorized to commence against the United States for the recovery of said damages. Said court shall have jurisdiction to hear and determine said action and enter its judgment or decree therein for the amount of such damages, if any, as shall be found to be due against the United States in favor of said Rolph Navigation & Coal Co., or against the Rolph Navigation & Coal Co. in favor of the United States, upon the same principles and according to the measure of liability prevailing in like cases in admiralty, between private parties, and with the same rights of appeal: *Provided*, That such notice of said action shall be given upon or after the commencement of said action to the Attorney General of the United States, as may be provided by order of said court, and it shall be the duty of the Attorney General, upon receipt of such notice, to cause the United States attorney in such district to appear for and defend the United States in such action: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THE DRASTIC AND DESTRUCTIVE DEFLATION POLICY OF THE FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, for months I have criticized and condemned the drastic deflation policy inaugurated by the Federal Reserve Board. I was convinced, and I am now more strongly convinced than ever, that the hasty, drastic, and reckless manner in which that board undertook to deflate the currency and curtail credits is responsible for the loss of billions of dollars to the people of the South and West.

I have been doing all in my power to have that policy changed. I am not alone in the position that I occupy upon this important matter.

Senator SMITH of South Carolina, Senator SIMMONS of North Carolina, Senators WATSON and HARRIS of Georgia, and others representing the cotton-growing States, feel as I do about the deadly deflation policy of the Federal Reserve Board.

Mr. President, the power to control the volume of currency and credit in this country is a tremendous power. That power is lodged in the Federal reserve banking system, and, so far as I know, it was never abused until last year when a deflation policy was invoked by the Federal Reserve Board, which struck down the agricultural business of the South and West and placed the farmers, merchants, and bankers of those sections at the mercy of speculators and those who purchased for export farm products from the South and West. This question is too big and too vital to the business life of our country to permit that strange and costly conduct of the Federal Reserve Board to go by uncensured and uncondemned by the representatives of the many who were robbed for the benefit of the few.

Money is the lifeblood of business, and they who have control over its volume and circulation are charged with the solemn duty and responsibility of having it circulate in a manner that will keep the body of business healthy and strong.

The farmer plants his crop, the merchant advances him credit, and the banker aids both the merchant and the farmer with credits, with the conviction that when the crop is made and farm products are ready for the market that there will be an ample supply of money available to meet the just and fair needs of the business of that locality. What are those needs? Money sufficient to buy the products at a price that will yield the farmer a profit sufficient to enable him to pay his debts and provide for those dependent upon him—yes; a profit sufficient to justify and even encourage him to remain in the farming business.

When this is done the needs of the farmer, merchant, and banker have all been met and our banking system has performed its duty well.

But, Mr. President, when money is withheld or credits are refused to the people who produce the things that feed and clothe the American masses something is radically wrong. To produce such a condition at the crop-moving time is injurious and destructive to the interests of agriculture and therefore injurious and destructive to the merchants and bankers of the agricultural section. When such a thing happens those who have control over the volume of currency and credits are responsible for it, and when they permit special interests to influence them to withhold money and credits which are absolutely necessary to enable the farmers to obtain a profitable price for their products they have committed a serious offense against the agricultural industry of our country. If you impoverish the farmers of the country you are striking down the forces that support the physical life of the Nation—the forces that help to feed and clothe the world.

The Federal reserve banking system was established for the purpose of supplying the money and the credits necessary to carry on the business of the American people under any and all conditions. It was created for the purpose of providing an elastic currency, and it did so. When the system was put into operation the people of the South and West rejoiced, because they knew that the day of their deliverance from the merciless financiers of Wall Street had come. They had seen that Wall Street crowd in complete control of the money supply of the country, and they had seen time and time again money withheld and credits refused just when the farmers of the South and West were ready to place their crops upon the market. They had seen their crops forced upon the market and sold at destructive prices, and they were happy to be delivered from a banking system that wrought such ruin among the farmers of America. I helped to create this great Federal reserve banking system. I rejoiced to see the day come when agriculture, commerce, and industry would stand free and unfettered everywhere in the business life of the country. For nearly five years that splendid system waved its magic wand over the various avenues of business and all was



well during that time. I am not condemning the system. I am condemning the Federal Reserve Board for its interference with the legitimate functions of the system.

Instead of deflating the currency and curtailing credits very slowly and very gradually and extending the time of such deflation over a period of from 8 to 10 years, the Federal board commenced to talk deflation and it approved of a rapid deflation program in one year's time from the ending of the World War.

No sane man who has at heart the welfare of the business interests of the country can or will approve the hasty and drastic deflation policy inaugurated and mercilessly prosecuted since the summer of 1920. Farmers, merchants, and bankers of the South and West protested against it. Grain growers, cattlemen, and cotton producers came to Washington and pleaded with the Federal Reserve Board to change its policy and permit them to have the money and credit necessary to prevent the loss of hundreds of millions of dollars and the destruction of their business. They pointed out the fact that they were being forced to sell their cattle and farm products at prices below the cost of production. Mr. President, I have said it before, and I repeat it here to-day, that the failure of the Federal Reserve Board to provide ways and means for saving billions of dollars to the people of the South and West last fall was a crime against the people whose property was taken and sacrificed under the ruinous policy pursued by the Federal Reserve Board. Be it said to the credit and the praise of Hon. John Skelton Williams, then Comptroller of the Currency, that he urged upon the board the justice, the wisdom, and the pressing necessity for changing that policy. He urged that aid be granted; that money and credits necessary be advanced to farmers, merchants, and bankers in the South and West so as to prevent the destruction of their property and the ruin of their business. In addition to that he pointed out that the Federal reserve banks had gold reserves sufficient to authorize the issuance of more than \$2,000,000,000 of Federal reserve notes. He showed that that could be done without in any manner endangering the stability of the system. If the Federal Reserve Board had followed his advice and had extended a helping hand to the people of the South and West, it could and would have prevented the wholesale slaughter of property values and kept out of dark despondency and dire distress millions of people who have been robbed of their property and made desperate and miserable by the deflation policy of the Federal Reserve Board. Because of his enthusiastic advocacy of liberal loans to business in distress John Skelton Williams incurred the displeasure of the Federal Reserve Board. We are told that star-chamber proceedings were indulged in by the Federal Reserve Board and secret meetings were held by its members when Mr. Williams, the Comptroller of the Currency, was not even notified or invited to be present. John Skelton Williams knew that the Federal reserve banking system was amply able to relieve the embarrassing and distressing situation in the South and West, and he did everything in his power to have that relief granted. He was in position to know exactly what the Federal reserve banks could do, and he had the courage to come out in the open and tell the people just what the true situation was. But for John Skelton Williams I do not believe that the inside facts and real truth of the situation would ever have been made known. When Wall Street speculators were feasting and reveling in the markets as they made millions on the falling prices of farm products, it was John Skelton Williams who exposed the fact that while money was being withheld from the agricultural interests of the South and West millions and hundreds of millions were being loaned to four or five New York banks for speculative purposes. He showed that they were lending to these four or five banks in the city of New York more money than they were then lending to all the agricultural interests and all the millions of population for agricultural purposes in 21 States of the American Union. That was inflating currency and credits in New York City and deflating them in the South and West. During all that time the Federal Reserve Board's policy of deflation, which should be called the policy of destruction, was raging in all its fury throughout the agricultural regions of the South and West.

Delegations came to Washington, but they came in vain. Letters, telegrams, and petitions were sent to the Federal Reserve Board from the people of the South and West asking that its policy be changed and they pointed out in detail just how that policy was bringing ruin to their business. It was pointed out that the deflation policy of the Federal Reserve Board was being used as a club—not to protect and defend the Nation's great agricultural industry but to beat it over the head and knock it into insensibility. Mr. President, I said then that it was wrong to hold up the American farmer and

aid the speculators and market gamblers of Wall Street in robbing him.

The Federal Reserve Board is an institution created by law. It does not belong to the members individually or collectively. It belongs to the Government of the United States and was instituted for honest, intelligent, faithful, and effective service in the financial affairs of the American people. If it functions well and serves the purpose for which it was created, well and good; but if it is perverted from the ends of its institution and becomes an instrument of oppression and torture in the hands of crafty and avaricious interests, it then becomes the duty of those honored with seats in this body to cry out against such a thing and in the name of the American people to condemn and repudiate it. Mr. President, I am convinced that the Federal Reserve Board has during the time that I have mentioned been maladministered, and that as a result of that maladministration millions of people in the South and West have been greatly injured. As a result of the deflation policy of the Federal Reserve Board they have suffered the loss of billions of dollars, while another class of people were profiting by their losses and fattening upon their misfortunes. In other words, the Federal Reserve Board's deflation policy resulted in taking from millions of people in the South and West billions of hard-earned money and turning it over to a few thousand especially favored people in the East.

The high cost of living and the sale of billions of dollars' worth of Liberty bonds produced naturally and necessarily a greater amount of currency and credits for use in the business of the American people. This increase or inflation of currency and credits was necessary to meet the larger requirements of business of every kind. In other words, if currency and credits had been increased for five years during the war until at the close, we had ten times as much as we had at the beginning. Common sense and common justice would suggest and require that the volume of currency and credits in use when the war ended should not be abruptly and rapidly reduced. Rapid and drastic reduction or deflation could not be had without dis-jointing and destroying business, and I repeat that if deflation was to be undertaken it should have proceeded so slowly, gradually, and systematically that no basic or productive business of any character would have been seriously injured. This could have been done. The Federal reserve banking system which carried us so successfully up through all the trying vicissitudes of the war, carried us up toward the mountain top of inflation in currency and credits, could have and would have, if it had been permitted to do so, brought us back down the mountain side to normal times without the wreck of business; the suffering and misery of millions of people and the new-made graves of numerous suicides who were driven into desperation and madness by the untimely, unwise, and drastic deflation policy of the Federal Reserve Board.

Good business men have told me that because of the greatly increased amount of currency and credits made necessary to carry on our business under the new condition, that in order to prevent disastrous disturbances in the business of the country we should go slowly through a reduction or deflation period of from 8 to 10 years.

Mr. President, the war ended in November, 1918, and strange as it may seem, in December, 1919, the Federal Reserve Board approved a statement to the effect that it was the duty of the Federal reserve banking system to proceed with the deflation of credits as rapidly and as systematically as possible. While the suggestion was ridiculous and dangerous, yet as disastrous and destructive as such a policy would have been at that time, it would have been better for the farmers, merchants, and bankers of the South and West; it would have been fairer to them if it had been adopted as a policy and wide publicity given to its demoralizing and destructive operation, so that farmer, merchant, and banker, and everybody else in the agricultural sections would have known before arranging for and planting another crop that such a thing was going to be done, it would have put everybody on notice and everybody would have known just what to expect and just what not to expect. The farmer would have had the conditions thus produced before him when he came to decide the matter as to the size of the crop that he would try to produce under the circumstances. He would have had the conditions thus produced to guide him in providing supplies of every kind for the crop of 1920. He would have avoided buying on the large scale that he did, fertilizer, agricultural implements, and various other things to be used in making a crop. He would not have gone in debt as he did. The merchant and the banker would have known just how to handle the situation under such conditions. The merchant would have known to what extent he should lay in supplies for the business of 1920. The banker would have known just about



what would be required of him in the way of cash and credits for that year and just what he might expect in the way of banking business under such circumstances.

Everybody would have known about what to expect in every line of business if this work of deflation or destruction had commenced in December, 1919. But what happened? It seems that the South and West had been marked for slaughter. Those who had vehicles for sale and large supplies of fertilizers to sell and agricultural implements and farm machinery that must be disposed of before the crash came did not want anything done in the way of deflation until they at least could unload their supplies upon the farmers, merchants, and bankers of the agricultural sections of the country. So the deflationists or destructionists of the Federal Reserve Board lapsed into silence and waited.

No, Mr. President, the deflation policy was not urged in the spring time, when the farmers were buying automobiles in great numbers; when they were buying motor trucks for their farms; when they were buying tractor plows; when the manufacturing centers were sending out their agricultural implements and dumping them down in the farming regions of the country. There was no deflation policy urged and emphasized then.

When the farmer bought his fertilizers at top-notch price, where were the deflationists then? The Federal Reserve Board waited until the crop was planted; it did not tell the farmer in the spring time that it was going to wait until he went into debt and bought his supplies at high prices and then waylay him and rob him on the way to market. As he had received 40 cents for cotton in 1919 and all through the spring and up to June, 1920, he had reason to believe that he was going to get in the neighborhood of the same price for the crop of 1920. The Federal Reserve Board permitted him to believe that he would. If that board had told the farmer in April, "We are going to contract the currency and curtail credits or refuse you financial aid," the farmer would have said, "Well, if you are going to do that, I will buy fewer agricultural implements; I will not pay the high prices that are now being asked for them; if you are going to destroy the debt-paying power of my products, then I will have to change my plans to meet conditions that I know will exist when I go to sell my crop in the fall. I will greatly reduce the amount of fertilizers that I intended to buy." But no such information was given the farmer. The Federal Reserve Board permitted him to plant his crop under the impression that he was going to receive 40 cents a pound for his cotton. The merchant sold goods and advanced credits to the farmer upon the 40-cent basis; the banker in the cotton-growing States loaned money and committed himself to business transactions with the farmer and merchant upon the 40-cent basis. All three of them made investments and assumed the year's business obligations upon that basis.

What happened to them after the crop had been planted and all business arrangements for making the crop had been made and it was too late to keep the seed out of the ground; too late to cancel contracts for the fertilizers he had bought; too late to tell the merchant that he did not want the agricultural implements; too late to refuse to buy the plow mule for which he had agreed to pay \$250? Why the Federal Reserve Board waited, I repeat, until the farmer was tied up hard and fast and then, just at the beginning of crop-moving time, commenced its deadly deflation policy.

In the month of July that policy of destruction made serious inroads upon the price of cotton, and then in the month of August it was let loose in all its fury and in 30 days it broke the price 9 cents a pound or \$45 a bale. That loss in one month's time on a twelve and a half million bale crop cost our farmers \$562,500,000.

I am bringing these terrible facts to the attention of the Senate and the country for the purpose of letting you and the people know just what havoc the Federal Reserve Board's policy wrought last year among the cotton growers of our country.

Mr. President, I am not advised as to whether or not any of the friends of the Federal Reserve Board were speculating in cotton at that time. The Senator from Georgia [Mr. Watson] reminded us the other day that they loaned to themselves in the system the sum of \$18,000,000. I want to say just here, Mr. President, that if they invested any of that \$18,000,000 in speculating on the bear side of the cotton market in the month of August last year, they made a lot of money.

Do you know, Mr. President, how much money the man made who sold on the exchange a thousand bales of cotton for the month of August, 1920? He made on that 1,000 bales \$45,000 in cash. The Federal Reserve Board knew what effect its deflation policy would have upon the cotton market. Those who knew that that policy was going to run wild in August last year

made millions of dollars to the distress and great injury of the cotton farmers of the country. Between the months of June and December that policy cost the cotton farmers more than \$200,000,000 a month. Think of that, Senators! The deliberate and premeditated deflation policy of the Federal Reserve Board cost the cotton farmers more than \$200,000,000 a month between June and December of last year.

Mr. President, that tremendous loss on cotton could and should have been prevented. Various periodicals of the country said that the spinners were making more money than they had ever made and they admitted it. I have heard spinners say during that prosperous time that they could afford to pay 50 cents a pound for cotton.

Mr. President, at the very time of which I speak the New York Commercial had an editorial in which spinners were quoted as saying that they were willing to pay 30 cents a pound for cotton in order that the producer might have a profit. Cotton was then away below 30 cents. So we have the spinner quoted as saying that he was not asking that cotton be driven down to starvation prices, and we have the cotton producer pleading for help and asking that he be permitted to hold his cotton off the market until the price would yield him a profit. The cotton farmer called in vain to the Federal Reserve Board. It left him helpless in the hands of those who made money out of his distress. Now the average price of cotton is 8 cents a pound, or \$40 a bale.

A small farmer who incurred an indebtedness of \$1,400 last year when cotton was 40 cents a pound could have paid that debt with 7 bales of cotton, but the debt-paying power of that cotton has been destroyed to such an extent that he must now take 21 bales of cotton to pay that debt of \$1,400. If that farmer made 7 bales of cotton last year, it would take that 7 bales, the 7 bales produced this year, and the 7 bales he may make next year to pay the debt of \$1,400 incurred in 1920.

No man with a feeling of sympathy or of justice and right in his heart can look upon the Federal Reserve Board's treatment of the American farmer without a feeling of resentment and indignation.

Those who speculated in grain and cotton got all the money they wanted. The bear gamblers of Wall Street had all the money they needed to enable them to take advantage of the Federal Reserve Board's deflation policy and make millions out of the rapid fall in the price of cotton. They were enabled by that policy to make more than \$1,000,000,000 on the falling price of cotton in five months' time last fall. Just think of that! Are you surprised that the people of the cotton-growing States cried out against such a policy? Are you surprised that they condemned a policy that was bringing ruin to their business?

Mr. President, when the Federal Reserve Board's deadly deflation policy was raging last fall and bear gamblers were holding high carnival in New York City, John Skelton Williams, like Daniel of old, who refused to eat the King's meat and drink his wine, refused to join the Federal Reserve Board in creating and carrying out a deflation policy that he knew meant ruin to the business of millions of his countrymen. I wrote to him commending him for his great service to the American people. I received letters from him telling me of things that the Federal Reserve Board had done and was doing that had resulted, and would result, in injury to the interests of agriculture. His statements in the newspapers and his able and fearless speeches received the approval of the people everywhere who believe in a fair and square deal for the legitimate business interests of the country. His speech delivered a few days ago at Augusta, Ga., was a terrific and scathing arraignment of the Federal Reserve Board's deflation policy. He pointed out that while the Federal Reserve Board's deflation policy would not permit the farmer to borrow money on his cotton in a warehouse that that same policy permitted some fishermen in the Northwest to borrow money on fish that had not been caught. Here is what he said upon the subject:

The prodigality with which certain big banks disposed of the funds so unstintingly loaned them by certain reserve banks may be illustrated by a loan of \$500,000 to a fisheries company made by a big northern bank which came to my notice. When I inquired what the security for the loan was, I was informed that the collateral was fish. And when I asked where the fish were, I was informed officially that the fish had not been caught at the time the loan was made, but that they were supposed to be swimming in the ocean thousands of miles away; but that the corporation had promised to go fishing, and if they caught any fish pack them and can them and then put them in warehouses and then deposit the warehouse receipts as security for their loan, which, when I last heard from it, had not been paid or reduced.

Senators, what do you think of the Federal board's deflation policy that will lend money on fish out of sight, swimming free in the ocean, and at the same time refusing to lend money on cotton stored in a warehouse? Cotton in normal times gives



to America the balance of trade. It brings gold into our country when all other products fail. It brings into our country every year more gold than the world's annual output, and yet the Federal Reserve Board's deflation policy prefers uncaught fish in the ocean to cotton stored in a warehouse. Those who hoped to catch fish could obtain loans, but those who had cotton, cattle, and grain and other farm products in sight and in hand were denied loans.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. According to the statement, I do not believe these fish even had been counted; had they?

Mr. HEFLIN. Counted? Why, they had never been seen.

Mr. ASHURST. They probably had not been hatched.

Mr. HEFLIN. They may not have been hatched, as my good friend from Arizona says, but hatched or unhatched, money could be obtained on them from the Federal reserve bank while cotton was outlawed and deserted by the Federal Reserve Board.

Mr. President, upon permission granted to me by the Senate, I had printed in the CONGRESSIONAL RECORD the speech that John Skelton Williams delivered in Augusta, Ga. After that speech appeared in the RECORD the joint committee appointed by the Senate and House to inquire into the agricultural conditions of the country requested Mr. Williams to appear and give testimony regarding the Federal Reserve Board's conduct. No fair-minded person could listen to his testimony without being convinced of his sincerity and the truthfulness of his statements. The testimony is not yet available and I will not make further comment upon it at this time.

After we had finally succeeded in forcing the Federal Reserve Board to break its long silence and come out of its secret chambers, W. P. G. Harding, governor of the Federal Reserve Board, appeared before the committee and undertook to defend the board's actions and policies.

Immediately a newspaper propaganda was foisted upon the country and each day stories were sent out from Washington to the effect that Gov. Harding was explaining everything in a manner satisfactory to the committee. Some of these stories were to the effect that he had stamped his senatorial critics and that when he left the witness stand the members of the committee nodded their heads as if they had already made up their minds to acquit him and the board of the serious charges lodged against them.

Why should they undertake to mislead and to influence public opinion by such fictitious stories as those with which they have flooded the country? I do not intend that the people shall be misled or deceived about this matter.

Here is one of the articles sent out from Washington. The headlines read:

Harding predicts business revival.

This refers to Gov. Harding, of course, of the Federal Reserve Board. Then, under that little head the article undertakes to defend the governor of the reserve board and his deflation policy. I want to know by what authority that board spends hundreds and thousands of dollars of the people's money to carry on a publicity propaganda to bolster up and defend a policy that deserves the condemnation of all honest men and women in the country.

Here is another one of these articles sent out from Washington. This one is from the Macon (Ga.) Telegraph, with big headlines:

W. P. G. Harding blames the agrarian bloc in Senate for cotton loss. Holding policy disastrous, he tells probers. Senators HEFLIN and SMITH under fire of governor. Quotes his advice to sell in 1920 when price was high.

Mr. President, this article has reference to me and other Senators from the cotton-growing States when it says:

W. P. G. Harding blames the agrarian bloc in Senate for cotton loss.

He, of course, has reference to the time when cotton prices would break, and I, together with other friends of the cotton producers, would advise them to sell sparingly or keep their cotton off the market until the price advanced again. Bear speculators were flooding the cotton States with literature in an effort to frighten the producers, so that they would rush their cotton upon the market. This, of course, would have been disastrous. Throwing cotton upon the market in great quantities would have broken the price very greatly. The bear speculators knew that, and that is why they were trying to stampede the farmers into dumping all of their cotton upon the market at once.

But these inspired newspaper stories sent out from Washington say that Gov. Harding, of the Federal Reserve Board, advised the farmers to sell cotton when the price was high. This interesting statement, Mr. President, might have induced some people outside of the cotton States to believe that the

farmers were holding all of their cotton and refusing to sell any. That was not the case. The farmers were selling cotton all along—selling gradually, as they should have done, just as good sense and sound business would suggest that they should do. They were selling all the time all the cotton necessary to supply the spindles here at home and meet the requirements of our export trade. The fact that the American cotton mills were kept going and the fact that our farmers sold all of the cotton demanded for exports show that they were disposing of their cotton regularly and in the best way possible so as to prevent serious breaks in the price. But suppose all of them had decided to do as Gov. Harding thinks that he advised them to do—sell cotton when the price was high. What would have happened? Why, such a rapid and unintelligent dumping of cotton upon the market would have driven prices down almost as rapidly as Gov. Harding's deflation policy drove down the price of cotton in the month of August, 1920. Who was going to buy the cotton that the farmer held off the market when the spinners and exporters had supplied themselves with all the cotton they needed for a given time? Would it have been wise and businesslike to have thrown cotton as rapidly as possible upon the market without regard to the demands of the spinner and exporter? Why should not the cotton farmer be aided in holding his cotton off the market until he could get a price that would yield a profit?

When the cotton farmer saw the price of cotton goods, the goods that he had to buy, advance to a point where it was out of all proportion to the price being paid for cotton, why should he not insist upon a price for cotton that was more in keeping with the price of the goods made out of that cotton? When the farmer was insisting upon a price of 40 cents and maybe more, cotton goods were selling at a price that would have justified the cotton farmer in asking from 70 to 80 cents a pound. Cotton spinners never made as much money in all their lives as they made during that time.

Mr. President, it may be that Gov. Harding and the Federal Reserve Board knew what they were going to do to cotton in the summer of 1920, and the governor decided that if he could get all of the cotton farmers to rush upon the market in the hope of getting 40 cents for all their cotton at one and the same time, he would succeed in having the farmer do to cotton prices by such a piece of folly just what he and the Federal Reserve Board's deflation policy did do a little later on.

Mr. President, I have no apology to make to Gov. Harding or to anyone else for advising the cotton farmers to sell their cotton sparingly so as to keep the market keen and hungry. I have been fighting the enemies of the cotton producer a long time and I am engaged in the same business now.

In the better days of the Federal Reserve Board I have seen the farmer enter the market and find cotton prices on the decline, and what did he do? Why, acting under the belief that cotton should and would bring a better price a little later on, he declined to sell at the price then prevailing. Then, taking advantage of the Federal reserve banking act which permits loans on cotton, he borrowed some money for use in his business and at the same time kept his cotton off the market. Under this new order of things the farmer could use his sense and his strength to good purpose.

For the first time the bear speculators who had robbed him for years and years felt his power in the market place. They could no longer fix the price to suit themselves and then force the producer to sell his cotton.

The fact that the farmer could borrow money at the bank on his cotton was the fact that stood between the farmer and starvation prices. The privilege and power to borrow money on cotton was a blessing and benediction to the cotton farmer. I fought harder to secure the adoption of that provision than any other one in the law. I had seen our cotton farmers sorely oppressed under the old system. I had seen them literally robbed of their cotton under the old order of things and I longed for the day when they could have a fair chance and a fair price in the markets of the country. Up to and through the spring of 1920 the Federal Reserve Board permitted the cotton farmer to borrow the money needed on his cotton, but in the early summer of last year, as I have shown on several former occasions, the deflation policy inaugurated by the Federal Reserve Board denied this aid to our cotton farmers and left them to the mercy of market manipulators and bear speculators who make their millions by beating down the price of cotton to the lowest point possible.

Mr. President, in the early fall of last year I was campaigning in the interest of the national Democratic ticket out in the State of Oklahoma. Scores of cotton farmers attended the speakings and one day, as I told them how we had enacted a banking law that permitted them to borrow money on cotton



and that under that law they were enabled to hold their cotton until they could sell for a price that would yield a profit, I noticed that they did not applaud that statement as I had seen farmers do the year before, and when my speech was concluded several farmers and merchants came up and told me that word had been sent into Oklahoma from the Federal reserve system not to lend any more money on cotton.

They informed me that they could not then borrow a dollar on cotton. Democratic leaders told me that the Federal reserve banks' refusal to lend money on cotton had hurt the party worse than anything that had happened. They said "the farmers, merchants, and bankers are sore. They resent such treatment."

Mr. President, they had a right to be sore and to feel resentful. They were being denied a right that the law gave to them. Thousands of Democrats in Oklahoma will tell you to-day that the destructive and deadly deflation policy of the Federal Reserve Board caused the Republican Party to carry that State last fall.

The withdrawal of aid from the farmers, merchants, and bankers in the cotton States at the crop moving time left them helpless in the hands of bear speculators who got all the money they needed to beat down the price of cotton. When the price had been driven down from 40 to 30 cents, 10 cents a pound, or \$50 a bale, the farmer begged and pleaded with the Federal Reserve Board to change its policy and permit him to borrow some money on his cotton so as to enable him to get 30 cents a pound, the price necessary to cover the cost of production. But Gov. Harding and his board hardened their hearts and turned a deaf ear to the persistent appeals of the distressed farmer. The deflation process proceeded, pouring money into Wall Street and leaving human suffering and business disaster in all cotton States. The price of cotton went down to 25 cents a pound, \$25 a bale below the cost of production. Hon. J. S. Wannamaker, president of the American Cotton Association, farm organizations, United States Senators, and Members of the House of Representatives from the cotton States came to Washington and pleaded with Gov. Harding and the Federal Reserve Board to permit loans on cotton. They informed the board of the disastrous and ruinous effects of its deflation policy on the cotton industry and begged the board to change it. Then what happened? Why the board declined to do it and continued to refuse to aid the cotton farmer in his efforts to prevent the sacrifice of his cotton and the ruin of his business. Then the bear speculators of New York declared that the action of Gov. Harding and his board had "made it impossible for the farmers of the South to hold their cotton" and they predicted that that action would cause cotton to go still lower. Immediately the price of cotton went down and down to still lower levels. Mr. President, the newspapers tell us that in his efforts to explain his action last fall and defend his destructive deflation policy, Gov. Harding insinuated several things regarding cotton that were meant for me and for Senator SMITH, of South Carolina. In fact the Macon (Ga.) Telegraph, which I hold in my hand, says: "Gov. Harding had reference to Senator HEFLIN, of Alabama, and Senator SMITH, of South Carolina. No names were called, but the witness, when asked after his testimony, did not deny that he had the Senators in mind." Let me say just here that Gov. Harding is from Alabama, and I had very much rather be able to praise and defend his deflation policy than to be impelled as I am from a sense of duty to criticize and condemn it. But, Mr. President, personal friendship and the location of a public official's residence should not prevent me or any other public servant from pointing out and criticizing a policy that injuriously affects the business of the country.

I have long been a close student of the cotton question. I have given years of thought and study to this great question in order that I might better prepare myself for service to the cotton producer. I made it my business to find out the character and quantity of cotton produced here and abroad. I obtained information as to the number of cotton spindles operating in this and foreign countries. I observed the increase in the use of cotton for various purposes.

From year to year I noted the amount of cotton consumed here at home and that exported to foreign countries. By informing myself as to the amount produced from time to time and the increasing consumptive demand, I could reach a pretty fair conclusion as to what American cotton should and would be worth. So when cotton was selling for 12 and 14 cents a pound I predicted that on account of its increased use and superior quality American cotton would soon go to 20 cents a pound, and it did. Then when we became involved in the World War and everything advanced in price, cotton advanced to 30 cents a pound. Bear speculators made a very determined

effort to beat down the price, or to at least prevent it from going any higher. They sent literature all through the cotton States for the purpose of frightening the farmer into believing that cotton had gone as high as it would go and to induce him to throw his cotton on the market and break the price. I believed from the facts in my possession that cotton would go to 40 cents, and I predicted in statements published in newspapers in the cotton States that cotton would sell for 40 cents. Well my prediction came true, and when the price went to 44 cents I thought and said that it might go to 50 cents. Some of the bull speculators in New York were then predicting that it would go to 60 cents. Cotton sold as high as a dollar a pound just after the war of 1860. A bale of cotton that sold for 40 cents a pound, or \$200 a bale, when made into cotton handkerchiefs at 10 cents apiece, sold and still sells for \$750. Cotton socks at 25 cents per pair made out of a bale of cotton sell now for more than \$800.

The deflation policy of the Federal Reserve Board resulted in driving the price of cotton down from 40 cents to an average price of about 8 cents a pound, and yet cotton goods are selling now at a price that would justify the farmer in asking and receiving 40 cents a pound.

The deflation policy of the Federal Reserve Board struck down the purchasing power and debt-paying power of the farmers' cotton, but left the price of cotton goods just where it was when cotton was 40 cents a pound. This fact alone is sufficient to cause the unbiased mind to conclude that the Federal Reserve Board had one kind of deflation medicine for the cotton farmer and quite another kind for the spinner and wholesale dealer in cotton goods.

Mr. President, I recall an incident which causes me to believe that Gov. Harding intended to start his deflation policy after the cotton crop had been planted in the spring of 1919. The cotton price had broken considerably—it had gone down 6 or 7 cents a pound. Senator SMITH of South Carolina, Senator Smith, of Georgia; Congressman POW, of North Carolina; and myself called on Gov. Harding, of the Federal Reserve Board, to urge liberal aid to farmers in their efforts to hold their cotton for an advance in the price that we felt should come and that we thought would come.

Gov. Harding did not enthuse at all over our suggestion. He did not agree with us that cotton would advance in price, but expressed the belief that it would go down to 15 cents a pound. It was then selling above 20 cents. In order to sustain his opinion he quoted what a big cotton buyer who had just returned from Europe had said to him upon the subject. That cotton buyer, so Gov. Harding told us, had said that cotton was going back to 15 cents. We all disagreed with Gov. Harding, and I replied that cotton would come nearer going to three times 15 cents. Gov. Harding failed to impress any of us that he was at all friendly to a movement looking toward an advance in the price of cotton. But cotton did advance just as we thought it would. It advanced 6 cents a pound, or \$30 a bale in about 60 days from the time that Gov. Harding had told us that it was going back to 15 cents a pound.

Gov. Harding did not impress me at that conference that he was very much concerned about cotton or those who produced it. I regretted that he felt as he seemed to feel about the matter and I had some doubts and misgivings as to what he was going to do. But the President was well and strong then and I knew, and I think that Gov. Harding knew, that the President would not stand for unfair treatment of the patriotic cotton producers of the country, and destructive deflation was postponed and cotton went to 40 cents a pound. In 1920, during the severe illness of the President and just before the election, strange to say, Gov. Harding, who is still holding office under a Republican President, prosecuted his drastic deflation policy with such disgusting and destructive effect until his course was severely criticized and condemned by the people of the cotton States. Delegations came here to Washington and made known their feelings on the subject. The New York Commercial of October 13, 1920, tells us that Dr. Dudley J. Stillman, former chief of the Board of Farm Management of the Department of Agriculture, was one of a number who advocated the prosecution of members of the Federal Reserve Board. He said:

It is quite clear that the Federal Reserve Board and the Secretary of the Treasury are using the authority placed in their hands for the purpose of manipulating the market.

I do not know all that he means by that, but I know that the bear speculators at that time were making millions of dollars. If some man had been in the confidence of the Federal Reserve Board and could have been able to obtain from the board what the farmers and merchants and bankers of the South could not obtain, and they had told this man that they were going to



clamp down on the cotton producers on the last of July and break the price of cotton 9 cents a pound before the 1st day of September, that man could have made millions of dollars. If he had sold 1,000 bales of cotton on the exchange he would have taken down on the 1st day of September \$45,000, and Stillman said that they were manipulating the market.

Mr. Wannamaker, president of the American Cotton Association, came here to Washington and told the Federal Reserve Board that if they went "on with this policy of deflation it will kill agriculture."

Again, Mr. Wannamaker said:

We want funds to be furnished by the banks of the Federal reserve system. We want members of the Federal Reserve Board to stop browbeating bankers so that they are afraid of their shadows.

Here is another statement by Mr. Wannamaker:

In one month agricultural interests have lost over \$1,000,000,000 through decreased prices.

That is what the president of the American Cotton Association said. Then he asked this question:

Does the cotton producer commit a crime when he tries to sell his cotton just a little over the cost of production?

The Senator from South Carolina [Mr. SMITH], one of the ablest and best friends that the cotton producer has ever had in this or the other body, said on that occasion that the Federal Reserve Board should permit the issuance of Federal reserve notes based on warehouse receipts for cotton, but they did not do it.

Alfred Tomblin, a banker-merchant and cotton producer of Georgia, declared that the farmers of his section at two meetings have asked the prosecution of members of the Federal Reserve Board.

And yet the Federal Reserve Board pretends not to know that anybody suffered at its hands last fall. They said the people were getting money. Here is a statement of F. W. Thompson, vice president of the Merchants Loan & Trust Co., of Chicago, Ill., and also president of the Farm Mortgage Bankers' Association. His bank is a member of the Federal reserve system and he testified. Listen to what he said. After saying they could not get money, former Senator Hoke Smith of Georgia asked:

Why is it that you, being a member bank, they decline to rediscount this paper from the country banks?

Mr. THOMPSON. I do not know, Senator.

Here is another statement from Mr. Thompson, made in December last:

Mr. THOMPSON. I want to say another thing.

We want to relieve the situation in the country, and it needs it, gentlemen. I am not an alarmist or anything of the kind, but I do know some of the problems that are to-day affecting the banker in his demand upon the farmer that he pay and the demand upon the city banker that he deflate, and they are all up in the air.

This shows what the Federal Reserve Board's deflation policy was doing.

Mr. President, that was the policy, and yet here is the governor of the Federal Reserve Board trying to convince the investigating committee that the Federal Reserve Board has done nothing toward deflating the currency and curtailing credits.

Former Senator Gronna, at the December meeting, had this to say:

Let me say this: I dislike very much to be a witness before this committee, but let me tell you what happened in St. Paul the other day. Since you have brought this up I think I might just as well tell the truth.

We had over a hundred head of large cattle which we shipped to St. Paul. We found the markets demoralized and we wanted to ship them to Illinois and feed them. We could not get a loan of a dollar on those cattle.

Mr. THOMPSON. Whom did you go to, Senator?

Senator GRONNA. We went to the people right there in St. Paul and Minneapolis, and they said they were not advancing a dollar on cattle. The ninth Federal reserve district does not furnish any money to the producers of the country.

I just want that to go in the record, that the country is not being supplied with money. The feeders and purchasers of cattle are not being furnished with money.

That is what Senator Gronna said about the deflation policy of the Federal Reserve Board.

Mr. WATSON of Georgia. Mr. President—

Mr. HEFLIN. I am glad to yield to the Senator from Georgia.

Mr. WATSON of Georgia. The Senator no doubt remembers the statements carried in the newspapers of last Sunday, I think, in which the story was told of the rebuilding of the waste places in France and Belgium. The substance of it was that France and Belgium had been rehabilitated and had recovered from the dreadful effects of the invasion by the German Army. I state that in this connection to the Senator to bear out his argument that our own banking system, which represents our Government so far as our finances are concerned, is, in the language of the Supreme Court, waging war upon legitimate business and prostrating the industries of our country.

Mr. HEFLIN. I thank the Senator for bringing that to my attention. It is literally true. The great banking system that we relied on to help us has been arbitrarily used to strike us down.

Following up that suggestion, here was a banking system the pride of the American people, the proud boast of all American business men, which in the crash of the greatest war that ever cursed the world stood unshaken, towering like a monument against the sky. While ruin was everywhere else, this bank stood here, the mighty stronghold of the financial system of the great American people. They said then, "Why, no; war can not produce a panic; if necessary we could stand the expenditure of billions and billions of dollars without at all shaking the foundations of this great system." What excuse do you suppose they gave when they got ready to turn the currents of a destructive panic upon the South and West? Why, this Federal Reserve Board said that the silk industry of Japan had failed and that something had happened of minor importance in Cuba. God pity this board!

Mr. President, in that better day when the Federal Reserve Board thought more of successfully operating the system than of holding their seats on the board under a new administration, they would not have batted an eye at the failure of little Japan's silk industry or the falling down of a sugar warehouse in Cuba.

Just here I want to read a portion of an editorial from the Manufacturers' Record of June 9, 1921:

The business of the country has been robbed to enrich the coffers of financial institutions over the protests of many farseeing and honorable bankers. The profits that Gov. Harding has sought to explain can not be explained. They stand as an immutable evidence of the poverty of his financial direction.

The Federal reserve system financed the war; it could not finance the peace. So is the record written; so is it written in shame. Out of our vast resources flowed in endless streams the means to drive back the Hun. Then almost overnight Gov. Harding and his associates decided that the onslaught of approaching economic disaster should not be financed, that the reservoirs should be closed, and decided on a course of action that facilitated disaster. The law itself provided for extraordinary use of credit in case of just such a situation as the country faced, permitting a lowering of the necessary reserve. Gov. Harding refused to take advantage of that provision. He turned his back on it and faced the other way. What is a reserve for? To be used, of course, when need arises. That is just when Gov. Harding refused to use it. He hoarded the Nation's lifeblood and would not let it circulate.

Last summer, aware of the approaching disaster, John Skelton Williams, then Comptroller of the Currency, pointed out that \$2,000,000,000 in additional credit could be extended without imperiling the reserve position.

Mr. President, there is no getting away from the facts here presented by the Manufacturers' Record.

In line with the testimony which I have read from Mr. Thompson, of Chicago, and the testimony of ex-Senator Gronna, of North Dakota, that the people out there were not getting money, I wish to read the testimony of Gov. Bickett, of North Carolina, who appeared before our committee. Here is what he said:

One thing we call attention to is the present policy to call loans. I happen to know that down in my State of North Carolina there is a disposition—and the bankers say it is because of instructions approved by the Federal Reserve Board—to call loans.

This statement was made by the governor of a large cotton-growing State. He says that the bankers said last fall that the word had gone out to call loans. Further, he said:

Gentlemen of the committee, the situation with us in the South is more than distressing—it is tragic. It would be impossible for me to use words that would overstate the alarming condition that confronts the cotton farmer of the South.

We think the man who made the cotton ought to be given assistance and enabled to hold the cotton until the market opens up and the world is ready to take the cotton that it needs. We have not made more cotton this season than the world needs.

Senator CAPER. Did your governors' conference consider this suggestion: As to whether the Congress or the Government could provide relief by requiring the Federal Reserve Board to advance additional funds to the farmer, the cotton man, and the wheat grower, and others, on warehouse certificates temporarily?

Gov. BICKETT. Yes, sir. That it should provide additional funds and also provide for these extensions and stop this command that has come down all the way along the line to make everybody settle up right now.

This statement tells the story, Mr. President. The governor of North Carolina says the word came down the line to require the people to "settle up right now." What did that do? It required them to dump their cotton on the market without regard to the market conditions or the price being paid for cotton. That is what he was complaining about. The testimony continues. Senator SMITH, of South Carolina, said on that occasion:

At the conference we held before the Federal Reserve Board and the Secretary of the Treasury, the Comptroller of the Currency made the statement and published it that there was a sufficient gold reserve for the issuance of \$2,000,000,000 additional Federal reserves if the board saw fit to do it.

But the Federal Reserve Board would not change its policy. It would not have the money needed loaned on cotton. They

forced the farmer to get rid of his bonds; and the Government in time is going to pay every one of them dollar for dollar, with interest.

Mr. President, the Federal Reserve Board's action injured cotton greatly. I read from the New York Commercial of September 16, 1920. Under a Washington date line, among other things, this article says:

Gov. Harding frowned upon the proposal that additional credits be provided as a means of holding cotton in warehouses beyond the usual marketing period in order to insure better prices.

What did he do, Mr. President? Here is the farmer ready for the market, and here are those who manipulate the market knocking the market in the head every night, and he is going into a dead market, and the governor of the reserve board puts himself in the attitude of refusing to aid him in holding his cotton because it is time to sell cotton, he says.

Mr. President, if that theory is to be lived up to it would impoverish and send to the poorhouse every farmer in the cotton-growing States. What is the farmer to do? These were the lines in the paper. "He could not aid them in holding cotton in warehouses beyond the usual marketing period in order to insure better prices." Why better prices? So that he could cover the cost of production, so that he could pay his just debts, so that he could provide for those dependent upon him. But the governor of the Federal Reserve Board took that action. This is the blow that sent terror into the hearts of our cotton producers and turned them over to the wolves of Wall Street. Let us see how New York cotton speculators and market manipulators construed this position of Gov. Harding. Let us see what effect his action had upon the cotton market:

[From the New York Commercial, September 16, 1920.]

COTTON OFF FROM 12 TO 31 POINTS—FEDERAL RESERVE BOARD REFUSES SPECIAL AID TO SOUTH.

The conference held in Washington yesterday between representatives of the cotton States and officials of the Federal Reserve Board was disappointing to cotton holders, as the Federal Reserve governor made it plain that the South could expect no special help.

Special help! Where is the cotton of the United States produced? In the East, the North, or the West? No. It is produced in the South. It is the cotton crop of the United States grown in the South, and at the marketing time they had to have help or perish, and he told the South that they could not expect any special aid. Listen to this:

This decision will influence sentiment here regarding the ability of the planters to finance any sort of a holding movement now.

That is New York talking now in the Commercial.

The next day, September 17, this appeared in the Commercial. Under the head of "Cotton market opinions," W. J. Wollman & Co. said:

The action of the Federal board in refusing special assistance to the cotton growers is certain to act against the growth of the hold-the-crop movement.

They were taking advantage of it. They said, "They can not get any money; they are helpless"; and they sold the market to death, and down, down the price went. I repeat, between June and December they cost the cotton growers of the South \$200,000,000 a month. Those are astounding figures, Mr. President, but they are literally true.

The New York Commercial cotton article of the same date said:

Many traders were inclined to sell the market after overnight consideration of the refusal of the Federal Reserve Board to help the cotton planters, as it is believed that this decision will effectually kill most of the holding movement because of the difficulty of financing the proposition.

The market manipulators of New York knew that if the Federal Reserve Board refused to let the cotton farmer borrow money on his cotton he could not hold it and that they would get it at a low price real soon. So the action of Gov. Harding and his board cost the farmers of the cotton States more than ten hundred million dollars.

Mr. President, in the newspaper report sent out from Washington in defense of Gov. Harding's deflation policy, one item referred to Senator HARRISON of Mississippi. I will read it:

Senator HARRISON of Mississippi, endeavoring to indicate that certain statements by the Federal Reserve Board had depressed the value of cotton, caused the witness—meaning Gov. Harding—to discuss national politics. It seems that Senator HARRISON last fall spoke to the witness of the good effect which a lowering of discount rates would have on the Democratic situation.

Then it quotes Gov. Harding as saying:

We could not follow the suggestion.

And then he said:

In January of this year I encountered Gov. Cox at a reception, and he told me that he had been of the opinion that the board's policy was wrong, but that he was convinced that we would have been very foolish had we made a change.

Mr. President, I knew Gov. Cox did not indorse the drastic and destructive policy of the Federal Reserve Board. I wired him, and he wrote me that when he came back last fall from his tour of the Pacific slope he wired Gov. Harding of the evil effects of that policy on the cattlemen, causing them to throw their cattle upon the market. Again he said that when he met Gov. Harding at this reception, that with a piece of pleasantry he remarked, "Well, I guess you knew what you were doing." Then Gov. Cox went on to say that he knew that some sort of a deflation policy would be inaugurated after the war, but he denies that he indorsed the deflation policy foisted upon the country by the Federal Reserve Board.

In his letter to me, Gov. Cox called attention to the fact that farmers in Ohio who contracted for farms at high prices had to give them up because they could not obtain the money and credits necessary to tide them over.

Mr. President, I wanted the Senate and the country to know that the position of Gov. Cox had been misrepresented. I knew Gov. Cox had never approved a policy that placed the agricultural industry of the country at the mercy of those who were seeking to pillage and plunder it.

Now, Mr. President, since Gov. Harding states that he informed Senator HARRISON last fall in response to a suggestion from that Senator that if he would reduce the rediscount rate it would help the price of cotton and aid the Democratic cause, that he could not and would not do as suggested.

I want to read an editorial from the Washington Times of April 12, 1921. That was just after a new chief had gone into control at the White House, and the one who appointed him had retired to private life. Here is what was said right here at the Capital of the Nation. The headline reads—

FEDERAL RESERVE HEAD TO REMAIN IS REPORT.

That refers to Gov. Harding, and the article reads in part as follows:

Although Gov. Harding is a Wilson appointee he did everything consistent with his office to further the Republican cause at the last election. This attitude has dispelled prejudice arising out of the fact that he was inducted into public life under the Democratic auspices.

I wonder, Mr. President, if Gov. Harding, who could not do the thing last fall that might help the cotton farmer and the Democratic Party, is now holding on to his job because the appointing power is pleased with the contribution he made to Republican success in the last election. There is nothing that Gov. Harding could have done for the party that now indorses his deflation policy and now keeps him in office that would have contributed more to Republican success than what he did do in his position as governor of the Federal Reserve Board.

He could not have done more if he had been trying to defeat the Democratic Party that had nurtured him into being in a public way. A great many people believe that if he had decided to support the Republican ticket he should have resigned, so that the position given him by the Democratic Party could not and would not have been used without Democrats knowing just what he was doing with it. If the Democrats of Tennessee and Oklahoma who stayed away from the polls had known that Gov. Harding was supporting the Republican ticket, they would have understood just why the deflation policy was being pressed so vigorously and so mercilessly just before the election in 1920. I think that any man appointed to an office like that of governor of the Federal Reserve Board should be required to announce his change of political faith and resign and not be permitted to continue in office in disguise and maybe use his powers to retain his position.

WATERS OF THE COLORADO RIVER.

Mr. ASHURST. Mr. President, a few days ago the Senate passed House bill 6877, which I have been requested to explain. The bill is as follows:

Be it enacted, etc., That consent of Congress is hereby given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1923, providing for an equitable division and apportionment among said States of the water supply of the Colorado River and of the streams tributary thereto, upon condition that a suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations, as the representative of and for the protection of the interests of the United States, and shall make report to Congress of the proceedings and of any compact or agreement entered into, and the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated to pay the salary and expenses of the representative of the United States appointed hereunder: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

SEC. 2. That the right to alter, amend, or repeal this act is herewith expressly reserved.

It will be observed that by the bill the consent of Congress is proposed to be given to the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming to nego-



tiate and enter into a compact or agreement providing for an equitable division and appropriation among the said States of the waters of the Colorado River. The time has come when the march of civilization and the Nation's necessities demand that the potentialities of these waters shall be utilized. The enactment of legislation of this character was recommended by the conference of governors of the Western States, which recently assembled at Denver, Colo. The League of the Southwest, of which the governor of Arizona is president, also recommended the passage of this legislation.

Clause 3, section 10, Article I, of the Constitution of the United States provides that—

No State shall, without the consent of Congress \* \* \* enter into any agreement or compact with another State \* \* \*.

Therefore the said States are asking the Congress to grant its consent that they may enter into such an agreement.

#### PHYSICAL FEATURES OF THE COLORADO RIVER BASIN.

The region drained by the Colorado River and its tributaries, known as the Colorado River Basin, is about 900 miles long, from 300 to 500 miles wide, and embraces 251,000 square miles, an area larger than Georgia, New York, North Carolina, Pennsylvania, and Virginia combined.

The Colorado River proper is formed by the junction of the Green and the Grand; the name of the Grand was by act of Congress approved the 25th day of July, 1921, changed to the Colorado. Green River from its source to its junction with the Grand is 700 miles long and sends down an average annual run-off exceeding 5,600,000 acre-feet. The Grand River from its source to its junction with the Green is about 450 miles long and sends down an average annual run-off exceeding 6,700,000 acre-feet.

Green River heads near Fremont Peak in the Wind River Mountains in a group of alpine lakes fed by perpetual snows. The source of Grand is in the Rocky Mountains west of Longs Peak. Like the Green, it is fed by small alpine lakes that receive their waters directly from eternal snow banks. Including the Green, the Colorado River is about 1,700 miles long and empties into the Gulf of California in latitude 31° 53' and longitude 115°.

The Colorado River, including its principal tributaries, the Green and the Grand, flows through or is part of the boundary line of the States of Arizona, California, Colorado, Nevada, and Utah. In addition, its tributaries drain portions of New Mexico and Wyoming. The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows through Arizona for a distance of 330 miles to the Arizona-Nevada State line, in Iceberg Canyon, just below the Grand Wash. From this point the river forms the western boundary line of Arizona for a distance of 400 miles to the point where it intersects the boundary line between Arizona and Old Mexico.

The Colorado River Basin, that is to say, the region traversed by this river and drained by its tributaries, contains mountains reaching to a height of 13,500 feet, belted at the base by forests of vivid green, and capped with gleaming snow; it contains playas and inland lakes below the level of the sea; it contains vast, desolate plateaus of rugged, black scoria; immense forests of pine, cedar, and pinon, and in these forests are hundreds of small parks, bowl-like gems of exquisite scenery; it contains the largest area of recent volcanic action to be found on the continent, "recent" being employed in its geological sense. It contains a real desert where the raw and scorching sun comes down as a pitiless flail, where the sand reflects the heat and glare and distresses the eye of the traveler, and where little dew or moisture is deposited, but where a wind, hot as a furnace blast, sometimes blows from the south.

Before the railroad was built through it a journey over this desert was at times dangerous and always fraught with extreme discomfort. Day after day nothing was to be seen but an expanse of hot sand, with now and then a cactus lifting its thorny arms into the brazen gloom. The loneliness and helplessness of the pioneer there seemed to sever him from human things and to remove him an infinite distance from the world with its interests and its occupations, but nature, in one of her capricious moods, placed in this same basin the richest agricultural lands in the Western Hemisphere, a tract of about 45,000 acres and known as the Yuma Mesa, near the town of Yuma, now under course of irrigation by virtue of a bill which I introduced in the Sixty-fourth Congress and which became a law on January 25, 1917.

In this basin, which was a populous land before the Pyramids were built, ancient peoples builded cities not wholly lacking in grandeur. These peoples of antiquity wove and spun cotton and flax into gaudy tapestries before Romulus and Remus were

suckled. They melted gold and silver into chieftains' ornaments and queens' girdles before Caesar's shouting legions and laureled ensigns brought tribute back to imperial Rome.

Centuries before the Knickerbocker set foot on Manhattan Island tribes of men now vanished irrigated the fertile sands of the Colorado River Basin from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete. The origin of this mysterious people is enwrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than speculate and form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization, and whither and why they went.

Within this basin is the Petrified Forest, whose trees lived their green millenniums and put on immortality in Triassic time, 7,000,000 years ago. The trees were of several kinds, most of them being related to the Norfolk Island pines. A small amount of iron oxide is distributed through the logs, which gives them their beautiful yellow, brown, and red tints.

Within the region traversed by the Colorado River and drained by its tributaries is the Painted Desert, in which at a distance you perceive the "sea of jasper" and the face of cliffs that gleam like jewels; you seem to descry fortifications with flags flying on their ramparts and walled towers on conical hills amidst an admixture of light and shade.

Within this region is the Grand Canyon, a terrible abyss of wondrous colors, of bold escarpments, pyramids, swelling domes, mosques, minarets, and isolated mesas through which rolls and tumbles this Colorado River.

On the 5th day of January, 1886, in the Forty-ninth Congress, the first bill to make the Grand Canyon a national park was introduced in the Senate by the late ex-President Benjamin Harrison, then a Senator from Indiana. This bill failed to become a law, and the project has been presented to the Congress from time to time since 1886.

In the Sixty-fifth Congress I introduced a bill to make the Grand Canyon a national park. The bill was referred to Secretary of the Interior Lane for a statement of the facts relating to the subject, and in the Secretary's report to the committee he states as follows:

It seems to be universally acknowledged that the Grand Canyon is the most stupendous natural phenomenon in the world. Certainly it is the finest example of the power and eccentricity of water erosion, and as a spectacle of sublimity it has no peer.

It would be futile to attempt to describe the Grand Canyon. However, a review of a few facts with relation to the canyon would be pertinent to a report of this character.

The Colorado River, which flows through the gorge, drains a territory of 300,000 square miles, and it is 2,000 miles from the source of its principal tributary to its entrance into the Gulf of California. It is one of America's greatest rivers. It is proposed by this bill to establish a national park at the point in the river's course where it has worn a channel more than a mile deep. This enormous gulf measures occasionally 20 miles across the top.

The sides of the gorge are wonderfully shelved and terraced, and countless spires rise within the enormous chasm, sometimes almost to the rim's level. The walls and cliffs are carved into a million graceful and fantastic shapes, and the many-colored strata of the rocks through which the river has shaped its course have made the canyon a lure for the foremost painters of American landscapes.

It seems that the Grand Canyon, therefore, is entitled to the same status and to an equal degree of consideration by Congress as are enjoyed by Yellowstone, Yosemite, and the other great national parks which contain natural phenomena of the first order, and I heartily recommend immediate favorable action looking toward the enactment of this bill.

The bill passed both Houses and was approved by President Wilson on the 26th day of February, 1919.

Whilst the bill in its opening sentences declared—

That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park"—

no valid existing right initiated prior to the approval of the bill can be disturbed by reason of the following sections:

SEC. 2. That the administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes": *Provided*, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder.

SEC. 3. That nothing herein contained shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek as described in the Executive order of March 31, 1882, and the Secretary of the Interior is hereby authorized, in his discretion, to permit individual members of said tribe to use and occupy other tracts of land within said park for agricultural purposes.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator,



or entryman to the full use and enjoyment of his land, and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of live stock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured.

SEC. 5. That whenever consistent with the primary purposes of said park the act of February 15, 1901, applicable to the locations of rights of way in certain national parks and the national forests for irrigation and other purposes, and subsequent acts shall be and remain applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem proper, grant easements or rights of way for railroads upon or across the park.

SEC. 6. That whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of said park upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States.

SEC. 7. That, whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project.

SEC. 8. That where privately owned lands within the said park lie within 300 feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim.

The Grand Canyon National Park represents an area of approximately 950 square miles, a greater part of which is within the walls of the canyon. Sufficient land has been included back of the north and south rims to make possible an adequate road development and to take care of camping and hotel facilities.

#### FUTURE OF THE BASIN.

What is to be the future of this basin, a country larger in area than the tract of land which Virginia, with princely liberality ceded to the Colonial Government in 1787, out of which five States were erected?

Of course, its forests will be utilized, its mineral wealth will be sought, its dazzling scenic beauties will be unfolded; but its greatest development, however, must come from its water resources, upon which the development of its other resources must largely depend. Without the water afforded by Colorado River and its tributaries, vast tracts of its land would remain unproductive and practically useless; but the Hand that formed this land, that cleft its mountains in twain and filled their caverns with precious metals, that painted its landscapes in colors warranted never to fade, and that replenishes this inexhaustible and perpetual river left it feasible for man not only to construct large irrigation systems and to build towns, cities, and prosperous agricultural communities within this basin, but to generate hydroelectric power for lighting, heating, industrial uses, and the transportation of freight and passengers.

In discussing the broader possibilities and problems of the Colorado River Basin there are hundreds, even thousands, of minor yet important possibilities of expansion that I necessarily must leave unmentioned, although these future minor auxiliary developments will have much local importance and in the aggregate true natural significance. In general such minor or auxiliary projects do not preclude the larger use of the river, but must be undertaken as part of that larger use.

The record of accomplishment of the United States Reclamation Service enriches the annals of the American people. Irrigation projects charm the imagination with their wizardry. Their power of transforming barren deserts into grain and cotton fields, into orchards and vegetable and flower gardens make the lamp of Aladdin and the purse of Fortunatus seem tame and prosaic. The wildest hyperbole would not overestimate the strength, wealth, beauty, comfort, and public order that would be added to this Nation were all the unemployed agencies of the Colorado River set to work.

During the past 19 years, or since Federal irrigation began, 3,000,000 acres of theretofore practically worthless desert land have been made productive by Government irrigation. The value of the crops produced thereon now amounts to \$90,000,000 annually. The increase in value of the irrigated acreage amounts to \$600,000,000, and since the Government began the delivery of irrigation water the crops produced on the reclaimed lands to-day aggregate \$400,000,000 in value. Nor does this sum of \$400,000,000 include the value or expansion of production of live stock or stock products; in other words, the figures (\$400,000,000) as to the aggregate crop value are limited to vegetable, fruit, and grain values at the farm, for which Government reclamation furnishes the sole supply of water. All the moneys disbursed by the Government to the various irrigation projects will ultimately be repaid.

At the outset let it be remembered that the full importance of national irrigation can not be measured in dollars, for it has an intangible value not to be estimated in tonnage tables nor transportation rates. In building new Commonwealths in the

arid lands of the West the Government is utilizing undeveloped resources and creating opportunities for its citizens. One of the primary purposes of the reclamation law was to create homes, and this purpose has been richly fulfilled. Viewed from this standpoint alone, national reclamation has amply justified all for which its advocates hoped.

Since 1902 the Reclamation Service has constructed the irrigation systems to supply abundant water to 2,000,000 acres of land, and the capacious storage reservoirs of the Government are furnishing a supplemental supply of stored water to a million additional acres in other projects, or a grand total of 3,000,000 acres. On these irrigated lands are now profitably employed and satisfactorily housed approximately 500,000 persons.

On the Government project lands are 50,000 families in independent homes. The population in cities, towns, and villages in these Government projects has been increased by an equal number of families. The arguments for increasing and making permanent the Nation's virility, prosperity, and growth by creating more homes of this kind were never more forcible and unanswerable than at this juncture.

The American people can not claim to have measured up fully to their opportunity and responsibility until the deserts of the West and the unused agricultural lands of the Nation have been replaced by prosperous farmsteads.

When measured by the yardstick of the financier—the dollar—the results of the Reclamation Service activities are enormously great.

As a creator of wealth, its service to the Nation and the State has been as great as in its principal task of home making. Out of the uninhabited and almost worthless desert, reclamation has carved an empire of nearly 3,000,000 acres, intensively cultivated and producing crops whose annual average gross returns per acre about double those per acre for the balance of the country.

Mr. President, I ask unanimous consent to include in the RECORD at this point a letter and a tabular statement from the United States Reclamation Service showing the amount of money appropriated for reclamation purposes, the total investment of the United States in reclamation, the amount of the disbursements and credits, and the amounts ultimately to be repaid to the Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., August 6, 1921.

HON. HENRY F. ASHURST,  
United States Senate.

MY DEAR SENATOR: In the absence of Director Davis we duly received your letter of July 20, 1921, to him, requesting a revision of figures sent to you in 1919, showing the net investments in several Government reclamation projects.

When your letter arrived we were, for other purposes, compiling such data to the end of the last fiscal year, and as that is a convenient period to use, it seemed best to withhold reply until these figures were available.

I am now sending them herewith in a tabulation similar to the one returned with your letter.

You may recall that these figures were made up in this way originally by specific request from your office by telephone. They are not in the form that we would select for ordinary purposes of publication because there is danger that they will mislead.

In other words, the inclosed figures are bookkeeping data and involve considerable duplication that swell the totals and make these misleading unless there is given and read with them considerable explanation. For example, we are constantly transferring from one project to another machinery, equipment, and materials in order to work the greatest economy and efficiency in utilizing these.

To keep the books showing the investments in any particular project, it is necessary to include an agreed value for such things transferred from and to the project. Thus, the total investment for each project includes "transfers received" of such things, and the column "Reimbursements and credits" includes "transfers issued." On any particular project these two entries necessarily differ, and hence must be included to bring out the net investment for that project, whereas for all projects these items merely balance one another and swell the totals, aggregating upward of \$8,600,000.

The figures given for total investments include cash disbursements from the reclamation fund, appropriations for "increase of compensation," and other special appropriations, such as that of a million dollars toward the cost of Elephant Butte Dam under the act of March 4, 1907; others for judgments of the Court of Claims, the funds for the Yuma auxiliary project, etc.

At the bottom of the table you will notice a number of other items added to bring the figures into agreement with our book totals. The "secondary projects" include a great number of possibilities that have been surveyed or examined from time to time in addition to the projects actually undertaken. For example, in Arizona this includes the San Carlos, San Pedro, Sentinel, and other propositions that will occur to you.

The item of "general expense" includes headquarters offices at Washington and Denver for administration, engineering design, and other purposes, legal services, and many other items that can not readily be allocated to particular projects except in bulk from time to time on the basis of expenditures or similar criteria. This item of general expense is the largest one included under the head of transfers already mentioned.



The item entitled "Indian projects" represents expenditures from the reclamation fund reimbursed by the Indian Bureau.

If you intend to publish these figures and want to avoid the possibility of misleading suggested above, you may want to use merely the figures of "net investment." In most cases we find that figures of cost rather than investment answer the questions in the minds of inquirers, and if you wish figures on a cost basis, or if we can otherwise be of further service in this connection, we shall be glad to do so.

Very truly, yours,

MORRIS BIEN, Acting Director.

Reclamation projects investment to June 30, 1921.

State.	Project.	Total investment of United States.	Reimbursements and credits.	Net investment of United States.
Arizona.....	Salt River.....	\$14,738,768.28	\$4,800,610.32	\$9,938,157.96
Arizona-California.....	Yuma.....	11,353,345.18	2,330,515.52	9,022,829.66
California.....	Orland.....	1,330,107.50	411,650.07	918,457.43
Colorado.....	Grand Valley.....	4,051,877.50	234,165.35	3,817,712.15
Do.....	Uncompahgre.....	7,873,432.32	1,214,326.00	6,659,106.32
Idaho.....	Boise.....	15,080,090.12	3,168,134.50	11,911,955.62
Do.....	King Hill.....	1,359,886.98	54,356.61	1,305,530.37
Do.....	Minidoka.....	8,866,272.26	4,038,517.85	4,827,754.41
Kansas.....	Garden City.....	402,424.80	69,063.14	333,361.66
Montana.....	Huntley.....	2,511,337.38	841,256.80	1,670,080.58
Do.....	Milk River.....	3,881,950.40	210,097.77	3,671,852.63
Do.....	St. Mary Storage.....	2,904,882.94	158,565.01	2,746,317.93
Do.....	Sun River.....	4,354,658.49	456,792.73	3,897,865.76
Do.....	Lower Yellowstone.....	3,780,806.97	318,825.18	3,461,981.79
Nebraska-Wyoming.....	North Platte.....	14,240,256.48	2,960,317.42	11,279,939.06
Nevada.....	Newlands.....	7,691,341.87	1,349,537.06	6,341,804.81
New Mexico.....	Carlsbad.....	1,893,115.31	677,633.86	1,215,481.45
Do.....	Hondo.....	407,745.12	35,842.46	371,902.66
New Mexico-Texas.....	Rio Grande.....	12,963,441.23	1,746,396.42	11,217,044.81
North Dakota.....	North Dakota pumping.....	1,584,033.21	519,601.59	1,064,431.62
Oklahoma.....	Lawton.....	(1)	(1)	(1)
Oregon.....	Umatilla.....	3,249,935.01	793,916.49	2,456,018.52
Do.....	Deschutes.....	2,041.83	7,407.29	5,365.46
Oregon-California.....	Klamath.....	3,986,187.17	990,872.96	2,995,314.21
South Dakota.....	Belle Fourche.....	4,413,894.12	1,012,666.36	3,401,227.76
Utah.....	Strawberry Valley.....	4,154,753.17	864,211.43	3,290,541.74
Washington.....	Okanogan.....	1,659,232.53	294,233.95	1,364,998.58
Do.....	Yakima.....	13,845,153.71	5,224,092.68	8,621,061.03
Wyoming.....	Shoshone.....	7,808,514.85	1,159,099.35	6,649,415.50
Do.....	Riverton.....	172,885.52	18,271.41	154,614.11
Various.....	Secondary.....	1,760,256.72	562,330.17	1,197,926.55
	Civil Service, retirement and disbursement fund.....	22,785.00	16,925.18	5,859.82
Subtotal.....		162,345,393.97	36,540,143.93	125,805,250.04
Wyoming.....	Jackson Lake enlargement.....	(2)	(2)	(2)
General expense.....		6,181,268.14	6,015,817.56	167,450.58
Indian projects.....		3,145,052.66	3,145,052.66	
	Yuma auxiliary.....	221,774.18	424,080.63	* 202,306.45
	Drainage and cut-over.....	100,987.52	464.51	100,523.01
Total.....		171,996,476.47	46,125,559.29	125,870,917.18

<sup>1</sup> Included in secondary projects.

<sup>2</sup> Included in Minidoka project.

\* The reimbursements exceed the investment.

#### POTENTIALITIES OF THE COLORADO RIVER BASIN.

Mr. ASHURST. According to records kept at Laguna Dam, the flow of the Colorado River during 22 years was as follows:

	Maximum.	Minimum.	Mean.
Discharge in second-feet.....	240,000	1,800	23,240
Annual run-off in acre-feet.....	21,700,000	9,110,000	16,400,000

One second-foot is a flow of 1 cubic foot of water per second.

One acre-foot is a volume of water sufficient to cover 1 acre 1 foot deep: 16,400,000 acre-feet of water would submerge the District of Columbia over 400 feet.

The irrigable land within the Colorado River Basin is as follows:

	Acreage irrigated in 1920.	Additional acreage possible.	Total possible acreage irrigable.
United States:			
Wyoming.....	367,000	543,000	910,000
Colorado.....	740,000	1,018,000	1,758,000
Utah.....	359,000	456,000	815,000
New Mexico.....	34,000	483,000	517,000
Arizona.....	501,000	776,000	1,277,000
Nevada.....	5,000	2,000	7,000
California.....	458,000	481,000	939,000
Total United States.....	2,464,000	3,759,000	6,223,000
Mexico.....	190,000	610,000	800,000
Grand total.....	2,654,000	4,369,000	7,023,000

Among the projects which should be built within the Colorado River Basin will be the Boulder Canyon Reservoir, in Arizona, and the acreage irrigable under the Boulder Canyon is approximately as follows:

	Acreage irrigated in 1920 (gravity).	Future additional possible acreage.		Total ultimate acreage.
		Gravity.	Pump.	
United States:				
Nevada.....		1,000	1,000	2,000
Arizona.....	50,000	256,000	73,000	379,000
California.....	458,000	358,000	123,000	939,000
Total United States.....	508,000	615,000	197,000	1,320,000
Mexico.....	190,000	547,000	63,000	800,000
Grand total.....	698,000	1,162,000	260,000	2,120,000

#### POWER.

A vast amount of power is dissipated in the fall of the Colorado River from its mountain sources to the sea, and large amounts of power may be harnessed for use. Imaginative France calls water power "white coal," and this brilliant characterization suggests a coal free from dust, cheaper, easier handled, a supply inexhaustible, which after used flows on to the projects below and may be used again and yet again.

Thus on the main stream of the Colorado River below the junction of the Green and Grand known power sites on the Colorado can yield 6,000,000 horsepower with present irrigation and 4,800,000 horsepower with estimated total ultimate irrigation development of the 2,120,000 acres as above set out.

Practically all of this 6,000,000 horsepower would, of course, be developed and generated in the State of Arizona, but the justice, fair dealing, and large vision of Arizona's people is a firm and perpetual guaranty that the distribution and allocation of this power would always be made with justice and equity and that Arizona would constantly keep in view the needs and requirements of all interests, whether mining, railroad, agriculture, domestic, manufacturing, or municipal.

Boulder Canyon alone, assuming maximum reservoir and irrigation below, with 35 feet dedicated to flood control, can supply 600,000 year-round horsepower.

A horsepower is a rate of work equal to lifting 33,000 pounds 1 foot per minute. Originally based on observations of dray horses, it greatly exceeds the average performance of an ordinary horse.

The combined peak demand on all power plants in the District of Columbia in 1920 was 95,000 horsepower.

The total development at Niagara in 1916 was 575,000 horsepower.

The installed substation capacity on the Chicago, Milwaukee & St. Paul Railway electrification is 180 horsepower per mile.

At 200 horsepower per mile, 4,800,000 horsepower would serve 24,000 miles of electrified railroad, which roughly approximates the earth's circumference, or the total railroad mileage in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

As I said before, the complete and proper utilization of all waters of the Colorado River would embrace hundreds of projects of various kinds, each one of which, however, would be a unit or part of the complete plans of the development of the river's resources, yet each project might appear to be independent. For example:

#### THE PARKER PROJECT ON THE COLORADO RIVER INDIAN RESERVATION.

The Parker Valley, or what is called by the Indian Service, the Colorado River Indian Reservation project, lies on the east side of the Colorado River in Yuma County, Ariz. A small portion of the valley is on the west side of the river in California. The principal town is Parker, at the head of the valley, with a population of 500, located on the Atchison, Topeka & Santa Fe Railroad.

Parker Valley has a total length of about 40 miles, extending from Parker Valley on the north to near Ehrenburg on the south. The maximum width of the valley is about 7 miles on the east side of the river. The river is said to overflow the lower bottom lands and that 95,000 acres are subject at times to overflow during periods of maximum flood.

The bench lands, really a substantial part of the project, consist of the Parker Mesa at the head of the valley, surrounding the town of Parker. This is an attractive stretch of land, being smooth and level, with a gravelly and sandy soil. The bench is from 75 to 150 feet about the bottom lands.

The Colorado River Reservation embraces about 243,000 acres, of which about 222,000 lie within the State of Arizona; the remainder being in California. While extensive topographic surveys have not yet been made, preliminary surveys disclose that approximately 150,000

acres within this reservation consist of fine "bottom," susceptible of irrigation, by gravity, from the Colorado River upon construction of the necessary diversion dam and distributing system. About 5,000 acres, allotted to the Indians, are now being supplied with water through a pumping plant constructed under authority found in the act of April 4, 1910 (36 Stat., 272), and acts making supplementary appropriations. Pumping water for irrigation purposes, however, is an onerous burden, which is daily becoming more expensive, as the cost of labor, material, and supplies increases. Logically, therefore, the irrigation of large areas calls for a gravity system, where feasible.

The right to divert water from the Colorado River was authorized by act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes" (act Apr. 21, 1904, ch. 1402, 33 Stat., 189). The portion authorizing the diversion of water reads as follows:

"That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian Reservations in California and Arizona, the Secretary of the Interior is hereby authorized to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain."

In addition to the Parker project on the Big Colorado River, a number of projects could be built in the basin of the Little Colorado River.

The average annual run-off of water from the 30,000 square miles drained by the Little Colorado River is 200,000 acre-feet, and the maximum flow during any one year probably does not greatly exceed 300,000 acre-feet.

Storms of short duration are frequent and the run-off is irregular. The flood waters must be stored if any large part of the run-off of the Little Colorado is to be used for irrigation.

That the Little Colorado Basin contains more than 200,000 acres of good agricultural land which could be irrigated by canals from the Little Colorado at a reasonable cost has been shown by the United States Reclamation Service, and the existence of reservoir sites, whose aggregate capacity is greatly in excess of the annual run-off, is shown by the following table:

*Reservoir sites in the Little Colorado Basin.*

Name.	Capacity.
	<i>Acre-feet.</i>
Woodruff.....	108,000
Forks.....	148,000
Leroux.....	54,000
Tucker Flat.....	118,000
Greer.....	260,000
Zuni.....	107,000
Little Colorado.....	140,000
Lyman.....	40,000
Baum.....	437,000
Navajo.....	100,000
	1,512,000

An intensive development of Big Colorado River Basin will, of course, mean the building of the San Carlos Reservoir, the irrigation of the white and Indian lands in the Casa Grande Valley, and the control of the Gila River in Graham County, Ariz., so that the lands of the settlers in the Gila Valley will not be destroyed by floods of the river; and the development of the Gila River will undoubtedly embrace projects at Duncan and Franklin. Neither my time nor the patience of the Senate permit me to describe dozens of other projects that may be promoted within this Big Colorado River Basin, but among them will be an all-American canal for the Imperial and Coachella Valleys.

#### NAVIGABILITY.

It is by no means beyond the domain of probability that one of the features of an intensive development of the potentialities of the Colorado River will lead to the resumption, during certain periods of the year, of navigation on the Colorado River.

Prior to the construction of the Southern Pacific Railroad into Yuma, in 1876, practically all of the supplies reaching Arizona for the settlers and the troops came from California by steamer to Yuma, where the ocean steamers lightered and their cargo was transferred to river steamers, which distributed the merchandise to the various settlements along the river between Yuma and Callville, thence to be hauled into the interior of the country by ox teams. For many years two steamers, the *Esmeralda* and the *Nina Tilden*, made regular trips up and down the river between Callville and Yuma, at which latter place they connected with steamships plying between Yuma and San Francisco. The owners of these river boats seeking trade carried standing advertisements in the Salt Lake City and San Francisco newspapers up to 1867.

#### FLOODS ON COLORADO.

Hernando de Alarcón sailed in May, 1540, to explore the region north of New Spain, and reached the head of the Sea of Cortes, now known as the Gulf of California. He says: "And it pleased God that after this sort we came to the very bottom of the bay, where we found a very mighty river which ran with so great fury of a stream that we could hardly sail against it." Here began the acquaintance of Europeans with the river now known as the Nile of the West. Alarcón proceeded up the Colorado in small boats to a point about 100 miles above the mouth of the Gila River.

Owing to the gradual upbuilding of its deltaic bed and banks and its aggressive "cutting edge" the flood menace on the Colorado River is an increasing and ever-recurring problem of great importance which calls for solution at an early date.

The Gulf of California once extended northwestward to a point a few miles above the town of Indio, or about 144 miles from the present head of the gulf. The Colorado River, emptying into the gulf a short distance south of the international boundary, carried its heavy load of silt into the gulf for centuries, gradually building up a great delta cone entirely across the gulf and cutting off its northern end, which remains as a great depression from which most of the water has evaporated, leaving in its bottom the Salton Sea of 300 square miles with its surface about 250 feet below sea level.

The river flowing over its delta cone steadily deposits silt in its channel and by overflow on its immediate banks, so that it gradually builds up its channel and its banks and forms a ridge growing higher and higher until the stream becomes so unstable that it breaks its banks in the high-water period and follows some other course. In this manner the stream has in past centuries swung back and forth over its delta until this exists as a broad flat ridge between the gulf and the Salton Sea, about 30 feet above sea level, and on the summit of this has formed a small lake called Volcano Lake, into which the river flows at present, the water then finding its way to the southward into the gulf.

The direct distance from where the Colorado River reaches Mexico to the head of the Gulf of California is about 75 miles, and the distance from the first-mentioned point to the margin of the Salton Sea is but little greater. As the latter is about 250 feet lower than the gulf, the tendency of the river to flow in that direction needs no demonstration. This coupled with the inevitable necessity for such an alluvial stream to leave its channel at intervals constitutes the menace to the lands lying about Salton Sea, called the Imperial Valley. As there is no escape of water from Salton Sea except by evaporation, the river flowing into this sea would, unless diverted, gradually fill it to sea level and submerge the cultivated land and the towns of Imperial Valley, nearly all of which are below sea level. Any flood waters that overflow the bank to the north must therefore without fail be restrained and not allowed to flow northward into Salton Sea. This is now prevented by a large levee north of Volcano Lake, extending eastward and connecting with high lands near Andrade. This levee is in Mexico and its maintenance is complicated thereby.

The floods of the Colorado divide themselves naturally into two general classes—those from the Colorado River, which drain the large areas in Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming I have hereinbefore described, and those from the Gila River, which lies in Arizona.

The Gila River, owing to its temperamental and flashy nature, sometimes furnishes a volume of water and flood waves at its mouth near Yuma almost as large as the maximum discharge of the Colorado at the same point. These floods from the Gila, however, are of relatively short duration, but their sudden flow and erratic nature make them particularly menacing to Yuma and have already done enormous damage.

The Colorado River rises gradually, carries a large volume of water for several weeks, and declines gradually. Should it break into the Imperial Valley at time of flood, the long duration of high water would cause great erosion and render its control difficult. The great floods of the Gila occur in winter, while those of the Colorado occur in the summer. So far as I know, they have never coincided, but if this should occur, and no man dares to say it never will, enormous losses would be occasioned.

During the past 25 years at flood seasons the Colorado and Gila have overflowed their banks and have done immense damage to the landowners and water users on the eastern side of the river below Yuma, and although the land in that region is very fertile and the average yield per acre is high, the expense of controlling this mighty river and keeping it in a fixed channel is a burden of crushing weight which can not and should not be borne by the farmers there, as has been done



in the past. The control of the Colorado River should be made a national affair, and the saving of these farms from destruction should be one of the first features of such control.

In conclusion, I know the generosity of Senators will pardon me if I now presume to solicit their attention while I make a reference personal to myself. My forebears were members of that bold advance guard of pioneers who 70 years or more ago explored the Colorado River Basin. From the time of my youth to the present day I have wielded ceaselessly what strength was mine, which was modest and small enough, to bring about an intensive development of the potentialities of the Colorado River. The time now seems not far distant when my hope shall be realized, and there shall be brought forth within and for the United States the inland empire of the Colorado River Basin, an empire wealthier than that which Pizarro added to the dominions of Charles V, and more splendid and more durable than that of the Caesars.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 16, 1921, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate August 15, 1921.*

##### CHIEF JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Manuel Araullo, of the Philippine Islands, vice Victorino Mapa, resigned, to take effect October 31, 1921.

##### ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Charles A. Johns, of Oregon, vice Adam C. Carson, resigned.  
Norberto Romualdez, of the Philippine Islands, vice Manuel Araullo, appointed Chief Justice, to date from November 1, 1921.

##### DEPARTMENT OF JUSTICE.

###### UNITED STATES DISTRICT JUDGE.

G. J. Lomen, of Alaska, to be United States district judge, second division, District of Alaska, vice William A. Holzheimer, resigned.

###### UNITED STATES ATTORNEY.

Arthur G. Shoup, of Alaska, to be United States attorney, first division, District of Alaska, vice James A. Smiser, resigned.

Sherman Duggan, of Alaska, to be United States attorney, third division, District of Alaska, vice William A. Munly, resigned.

###### UNITED STATES MARSHAL.

Morris W. Griffith, of Alaska, to be United States marshal, second division, District of Alaska, vice E. R. Jordan, resigned.

##### WAR DEPARTMENT.

###### MARSHAL OF THE CANAL ZONE.

Horace D. Ridenour, of Vincennes, Ind., to be marshal of the district of the Canal Zone, provided for by the Panama Canal act, approved August 24, 1912, vice Miguel Antonio Otero.

##### DEPARTMENT OF THE INTERIOR.

###### REGISTERS OF THE LAND OFFICE.

Edgar T. Conquest, of Sterling, Colo., to be register of the United States land office at Sterling, Colo., vice Albert F. Browns, whose term will expire August 26, 1921.

James D. Gallup, of Wyoming, to be register of the land office at Buffalo, Wyo., vice Hayden M. White, resigned.

##### DEPARTMENT OF COMMERCE.

###### ASSISTANT DIRECTOR BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Oliver Paul Hopkins, of Pennsylvania, to be assistant director of the Bureau of Foreign and Domestic Commerce, at \$4,000 per annum, in the Department of Commerce; new position.

##### PUBLIC HEALTH SERVICE.

###### PASSED ASSISTANT SURGEONS TO BE SURGEONS.

Mather H. Neil to rank as such from March 7, 1921.

Harry F. White to rank as such from March 12, 1921.

###### ASSISTANT SURGEONS TO BE PASSED ASSISTANT SURGEONS.

Paul D. Mossman to rank as such from March 24, 1921.

John W. Tappan to rank as such from March 26, 1921.

Thomas Parran, jr., to rank as such from March 26, 1921.  
Vance B. Murray to rank as such from July 26, 1920.  
Roy P. Bandidge to rank as such from March 26, 1921.

##### PROMOTIONS IN THE NAVY.

###### MARINE CORPS.

###### *First lieutenants to be captains from July 1, 1921.*

Louis Cukela.	William W. Rogers.
Jacob Lienhard.	Curtis T. Beecher.
Frederick Israel.	George F. Stockes.
Victor F. Bleasdale.	Tom E. Wicks.
Merwin H. Silverthorn.	Murl Corbett.
Walter Sweet.	James P. Schwerin.
Fred J. Zinner.	William M. Radcliffe.
Prentice S. Geer.	John H. Parker.
John Groff.	

Second lieutenant James L. Denham to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

##### REAPPOINTMENTS IN THE REGULAR ARMY.

###### INFANTRY.

###### *To be first lieutenants with rank from August 8, 1921.*

Roswell Emory Round, late second lieutenant, Cavalry, Regular Army.

O. D. Wells, late first lieutenant, Infantry, Regular Army.

##### APPOINTMENT BY TRANSFER IN THE REGULAR ARMY.

###### ORDNANCE DEPARTMENT.

Capt. Arthur Burnola Custis, Cavalry, with rank from October 19, 1920.

##### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 15, 1921.*

##### ASSOCIATE JUSTICE OF THE SUPREME COURT, PHILIPPINE ISLANDS.

James A. Ostrand.

##### TREASURY DEPARTMENT.

###### COLLECTOR OF INTERNAL REVENUE.

Robert W. McCuen to be collector of internal revenue for the district of Vermont.

###### ASSAYERS IN CHARGE.

Charles L. Longley to be assayer in charge at Boise, Idaho.

Thomas G. Hatheway to be assayer in charge at Seattle, Wash.

##### PROMOTIONS IN THE ARMY.

Henry Benjamin Clark to be colonel, Coast Artillery Corps.

George Sherwin Simonds to be colonel, Infantry.

Thomas Jefferson Dickson to be chaplain, rank of lieutenant colonel.

Harry Lumsden Hodges to be major, Field Artillery.

Joseph Irving McMullen to be major, Judge Advocate General's Department.

Walter Lucas Clark to be major, Ordnance Department.

William Nichols Porter to be major, Chemical Warfare Service.

Aquila Mitchell to be major, Veterinary Corps.

Allan Johnson to be captain, Infantry.

Lewis Bradley Bibb to be captain, Medical Corps.

Charles William Henderson to be captain, Medical Corps.

Oscar Thweatt Kirksey to be captain, Medical Corps.

Glenn Dale Lacey to be captain, Dental Corps.

Henry William Meisch to be captain, Medical Corps.

George Palmer McNeill, jr., to be captain, Medical Corps.

Benjamin William Lewis to be captain, Medical Corps.

Merrill Clary Sosman to be captain, Medical Corps.

Willis Burleigh Parsons to be captain, Dental Corps.

Joseph Hayden Jones to be captain, Dental Corps.

George Mason Babbitt to be captain, Dental Corps.

Frank Celestine Meade to be first lieutenant, Coast Artillery Corps.

Giles Frederic Ewing to be first lieutenant, Infantry.

Claude Weaver Feagin to be first lieutenant, Cavalry.

Everett Samuel Prouty to be first lieutenant, Infantry.

Wilber Russell Ellis to be first lieutenant, Coast Artillery Corps.

Morris Haslett Marcus to be first lieutenant, Cavalry.

Frank Zea Pirkey to be first lieutenant, Corps of Engineers.

Karl William Hisgen to be first lieutenant, Field Artillery.

Joseph Patterson Wardlaw to be first lieutenant, Field Artillery.

James Harry Marsh to be first lieutenant, Infantry.

Francis Warren Cray to be first lieutenant, Field Artillery.

John Baylis Cooley to be first lieutenant, Cavalry.

John Elmer Freeman to be first lieutenant, Infantry.

Selby Francis Little to be first lieutenant, Field Artillery.  
 Milo Glen Cary to be first lieutenant, Coast Artillery Corps.  
 Harold Joseph Conway to be first lieutenant, Coast Artillery Corps.  
 Gustin MacAllister Nelson to be first lieutenant, Infantry.  
 Frank Joseph Spettel to be first lieutenant, Infantry.  
 Carroll Frederick Sullivan to be first lieutenant, Infantry.  
 Rupert Harris Johnson to be first lieutenant, Infantry.  
 Francis Joseph Magee to be first lieutenant, Infantry.  
 Burwell Baylor Wilkes, jr., to be first lieutenant, Infantry.  
 James Raymond Goodall to be second lieutenant, Coast Artillery Corps.  
 John Kenneth Sells to be second lieutenant, Cavalry.  
 Douglas Cameron to be second lieutenant, Cavalry.  
 Hobert Hayden James to be second lieutenant, Field Artillery.  
 Eleuterio Susi Yanga to be second lieutenant, Philippine Scouts.  
 Donald Raymond West to be second lieutenant, Quartermaster Corps.  
 Edward Lowry Traylor to be second lieutenant, Infantry.  
 Robert Thomas Randel to be second lieutenant, Infantry.  
 John Barry Peirce to be second lieutenant, Infantry.  
 Arthur Jennings Grimes to be second lieutenant, Infantry.  
 Walter Duval Webb, jr., to be second lieutenant, Field Artillery.  
 Ernest Starkey Moon to be second lieutenant, Air Service.  
 Charles Emmett Cheever to be second lieutenant, Quartermaster Corps.  
 Paul Gustav Wehle to be second lieutenant, Air Service.  
 Vesper Anderson Schlenker to be second lieutenant, Field Artillery.  
 Harry Meyer to be second lieutenant, Corps of Engineers.  
 Peter Anthony Feringa to be second lieutenant, Corps of Engineers.  
 John Russell Perkins, jr., to be second lieutenant, Field Artillery.  
 Warren Catlin Hamill to be second lieutenant, Infantry.  
 Frederick Hewitt Fox to be second lieutenant, Corps of Engineers.  
 Edward Barber to be second lieutenant, Coast Artillery Corps.  
 Edward Hall Walter to be second lieutenant, Corps of Engineers.  
 David Albert Morris to be second lieutenant, Corps of Engineers.  
 Percy Earle Le Sturgeon to be second lieutenant, Infantry.  
 Juan Segundo Moran to be second lieutenant, Philippine Scouts.  
 Paul Cone Parshley to be second lieutenant, Corps of Engineers.  
 Lewis Wellington Call, jr., to be second lieutenant, Coast Artillery Corps.  
 Richardson Selee to be second lieutenant, Corps of Engineers.  
 James Benjamin Ford to be second lieutenant, Infantry.  
 Luis Mobo Alba to be second lieutenant, Philippine Scouts.  
 Don Waters Mayhue to be second lieutenant, Field Artillery.  
 James Wilbur Robinson to be second lieutenant, Signal Corps.  
 Carter Jenkins to be second lieutenant, Corps of Engineers.  
 Charles Harold Crim to be second lieutenant, Coast Artillery Corps.  
 John Harry to be second lieutenant, Field Artillery.  
 Harold Oakes Bixby to be second lieutenant, Coast Artillery Corps.  
 John Bruce Medaris to be second lieutenant, Infantry.  
 Ambrose Lawrence Kerrigan to be second lieutenant, Coast Artillery Corps.  
 Charles Ernest McKelvey to be second lieutenant, Chemical Warfare Service.  
 Irvin Albert Robinson to be second lieutenant, Infantry.  
 George Randall Scithers to be second lieutenant, Field Artillery.  
 John Henry Featherston to be second lieutenant, Coast Artillery Corps.  
 Paul Massillion McConihe to be second lieutenant, Infantry.  
 Ralph Roth Wentz to be second lieutenant, Ordnance Department.  
 Daniel Webster Kent to be second lieutenant, Infantry.  
 Michael Henry Zwicker to be second lieutenant, Coast Artillery Corps.  
 Maurice Gordon Jewett to be second lieutenant, Coast Artillery.  
 Frederic deLannoy Comfort to be second lieutenant, Cavalry.  
 Charles Andrews Jones, jr., to be second lieutenant, Chemical Warfare Service.  
 Cecil Austin Bryan to be second lieutenant, Infantry.  
 William Conrad Jones to be second lieutenant, Infantry.

George Marion Davis to be second lieutenant, Infantry.  
 Hubert Stauffer Miller to be second lieutenant, Infantry.  
 Edward Harold Coe to be second lieutenant, Infantry.  
 Allan Eugene Smith to be second lieutenant, Field Artillery.  
 Robert Dunning Chellis to be second lieutenant, Infantry.  
 Daniel Burnett Knight to be second lieutenant, Infantry.  
 Paul MacKeen Martin to be second lieutenant, Cavalry.  
 Creswell Garrettson Blakeney to be second lieutenant, Field Artillery.  
 Alfred Griffin Ashcroft to be second lieutenant, Ordnance Department.  
 Louis Jeter Tatom to be second lieutenant, Signal Corps.  
 Marshall Keith Berry to be second lieutenant, Cavalry.  
 George Wythe Bott, jr., to be second lieutenant, Ordnance Department.  
 Louis Watkins Prentiss to be second lieutenant, Field Artillery.  
 William Edmund Waters to be second lieutenant, Field Artillery.  
 Joseph Kennard Bush to be second lieutenant, Infantry.  
 Orlando Clarendon Mood to be second lieutenant, Infantry.  
 John Oliver Kelly to be second lieutenant, Coast Artillery Corps.  
 Bert Nathan Bryan to be second lieutenant, Infantry.  
 Harvie Rogers Matthews to be second lieutenant, Infantry.  
 Louis Beman Rapp to be second lieutenant, Cavalry.  
 Hayward Kendall Kelley to be second lieutenant, Field Artillery.  
 Caryl Rawson Hazeltine to be second lieutenant, Infantry.  
 James Thorburn Cumberpatch to be second lieutenant, Air Service.  
 Edwards Matthews Quigley to be second lieutenant, Field Artillery.  
 Kent Roberts Mullikin to be second lieutenant, Chemical Warfare Service.  
 James Breakenridge Clearwater to be second lieutenant, Field Artillery.  
 Noble Crawford Shilt to be second lieutenant, Infantry.  
 Henry Laurance Ingham to be second lieutenant, Field Artillery.  
 Joseph Warren Huntress to be second lieutenant, Quartermaster Corps.  
 Luther Daniel Wallis to be second lieutenant, Infantry.  
 William Daniel Bradshaw to be second lieutenant, Field Artillery.  
 John Tipton Lonsdale to be second lieutenant, Coast Artillery Corps.  
 Wesley Tate Guest to be second lieutenant, Signal Corps.  
 Edward Charles Engelhardt to be second lieutenant, Field Artillery.  
 Edgar Daye Upstill to be second lieutenant, Field Artillery.  
 Duncan Philip Frissell to be second lieutenant, Infantry.  
 James Baker Dickson to be second lieutenant, Air Service.  
 Henry Hammond Duval to be second lieutenant, Coast Artillery Corps.  
 Charles Edward Neagle to be second lieutenant, Coast Artillery Corps.  
 Leon Valentine Chaplin to be second lieutenant, Field Artillery.  
 John William Dwyer to be second lieutenant, Coast Artillery Corps.  
 Alvin Frederick Pitzner to be second lieutenant, Ordnance Department.  
 Alfred Vepsala to be second lieutenant, Field Artillery.  
 Robert John Zaumeyer to be second lieutenant, Ordnance Department.  
 Samuel Howard Davis to be second lieutenant, Air Service.  
 Joseph Myles Williams to be second lieutenant, Cavalry.  
 Verne Leon Harris to be second lieutenant, Coast Artillery Corps.  
 Edmund C. Langmead to be second lieutenant, Air Service.  
 Carroll Heiney Deitrick to be second lieutenant, Ordnance Department.  
 Leon Marcellus Grant to be second lieutenant, Field Artillery.  
 Burton Larrabee Pearce to be second lieutenant, Field Artillery.  
 Alan Dean Whittaker, jr., to be second lieutenant, Coast Artillery Corps.  
 Lee W. Haney to be second lieutenant, Infantry.  
 Leon Crescencio Reyna to be second lieutenant, Ordnance Department.  
 David William Goodrich to be second lieutenant, Air Service.  
 Franklin Mitchell to be second lieutenant, Infantry.  
 George William White to be second lieutenant, Infantry.  
 Arnold Hoyer Rich to be second lieutenant, Infantry.



Philip Fisher Robb to be second lieutenant, Field Artillery.  
 William Hypes Obenour to be second lieutenant, Field Artillery.  
 Henry Burt Bosworth to be second lieutenant, Infantry.  
 Wallace Ellsworth Niles to be second lieutenant, Infantry.  
 Harvey Thomas Kennedy to be second lieutenant, Field Artillery.  
 Lewis Edward Weston Lepper to be second lieutenant, Field Artillery.  
 Ralph Henry Price to be second lieutenant, Field Artillery.  
 Edward Harris Barr to be second lieutenant, Field Artillery.  
 Melecio Manuel Santos to be second lieutenant, Philippine Scouts.  
 James Augustus Whelen, jr., to be second lieutenant, Cavalry.  
 James Roscoe Hamilton to be second lieutenant, Infantry.  
 Joe Robert Sherr to be second lieutenant, Signal Corps.  
 Simon Meyer to be second lieutenant, Infantry.  
 Harold Goodspeede Laub to be second lieutenant, Coast Artillery Corps.  
 William Uren Gallaher to be second lieutenant, Field Artillery.  
 Charles Dawson McAllister to be second lieutenant, Field Artillery.  
 Henry Chester Jones to be second lieutenant, Infantry.  
 Louis Simelson to be second lieutenant, Infantry.  
 Frank Weddall Simpson to be second lieutenant, Coast Artillery Corps.  
 Ernest Vivian McCain to be second lieutenant, Field Artillery.  
 Christopher William Duffy to be second lieutenant, Infantry.  
 Charles Irish Preston to be second lieutenant, Field Artillery.  
 Walter Vinal Reed to be second lieutenant, Coast Artillery.  
 Edward Albert Banning to be second lieutenant, Infantry.  
 Richard Franklin Rey to be second lieutenant, Field Artillery.  
 John Robsin Skeen to be second lieutenant, Field Artillery.  
 Arthur Benton Campbell to be second lieutenant, Field Artillery.  
 Keff Dobbs Barnett to be second lieutenant, Coast Artillery Corps.  
 Albert John Lent to be second lieutenant, Coast Artillery Corps.  
 Louis Leopold Lesser to be second lieutenant, Field Artillery.  
 Walter Francis Jennings to be second lieutenant, Cavalry.  
 Edward Cuyler Applegate to be second lieutenant, Infantry.  
 Henry Louis Love to be second lieutenant, Field Artillery.  
 Fay Warren Lee to be second lieutenant, Field Artillery.  
 Stanley Lane Engle to be second lieutenant, Infantry.  
 Asa Vern Wilder to be second lieutenant, Coast Artillery Corps.  
 Clinton Velony Stevens to be second lieutenant, Field Artillery.  
 Lewis Eugene Snell to be second lieutenant, Field Artillery.  
 Harold Arthur Doherty to be second lieutenant, Infantry.  
 Cranford Coleman Bryan Warden to be second lieutenant, Infantry.  
 Harry Robert Swanson to be second lieutenant, Infantry.  
 William Dawes Williams to be second lieutenant, Field Artillery.  
 William Thomas Semmes Roberts to be second lieutenant, Infantry.  
 McDonald Donegan Weinert to be second lieutenant, Infantry.  
 Frederick Lake Thomas to be second lieutenant, Field Artillery.  
 John Walker Childs to be second lieutenant, Signal Corps.  
 Harold Stevenson to be second lieutenant, Infantry.  
 Vincent Joseph Tanzalo to be second lieutenant, Infantry.  
 Carl Emil Hansen to be second lieutenant, Coast Artillery Corps.  
 Charles Donald Clay to be second lieutenant, Infantry.  
 Arthur Lee Forbes, jr., to be second lieutenant, Infantry.  
 Russell Shannon Lieurance to be second lieutenant, Field Artillery.  
 Wilmar Weston Dewitt to be second lieutenant, Infantry.  
 Carl Philip Dowell to be second lieutenant, Field Artillery.  
 Hermas Victor Main to be second lieutenant, Field Artillery.  
 Gerald Handley Fitzpatrick to be second lieutenant, Air Service.  
 James Milliken Bevans to be second lieutenant, Field Artillery.  
 Floyd Raymond Brisack to be second lieutenant, Field Artillery.  
 Clarence Everett Jackson to be second lieutenant, Infantry.  
 Edward Joseph Walsh to be second lieutenant, Infantry.  
 Chester Arthur Carlsten to be second lieutenant, Infantry.  
 James Thomas Dismuke to be second lieutenant, Infantry.  
 Karl Vernon Palmer to be second lieutenant, Infantry.

Russell Harold Swartzwelder to be second lieutenant, Infantry.  
 Hayden Purcell Roberts to be second lieutenant, Field Artillery.  
 Aaron Grayson Dawson to be second lieutenant, Infantry.  
 Alan Sydney Rush to be second lieutenant, Infantry.  
 Thomas Brown Manuel to be second lieutenant, Infantry.  
 Dayton Talmage Brown to be second lieutenant, Infantry.  
 Clifford Cleophas Duell to be second lieutenant, Field Artillery.  
 Harry Lynch to be second lieutenant, Signal Corps.  
 Thomas Whitfield Ross to be second lieutenant, Infantry.  
 Lauren Blakely Hitchcock to be second lieutenant, Field Artillery.  
 Thomas Archer Bottomley to be second lieutenant, Infantry.  
 Paul Groover to be second lieutenant, Field Artillery.  
 Henry William Erickson to be second lieutenant, Infantry.  
 Thomas Williams Williamson to be second lieutenant, Infantry.  
 William Orville Collins to be second lieutenant, Infantry.  
 Frank Thomas Honsinger to be second lieutenant, Air Service.  
 Harry Craven Dayton to be second lieutenant, Field Artillery.  
 William Larwill Carr to be second lieutenant, Field Artillery.  
 Frank Vern Silver to be second lieutenant, Field Artillery.  
 Russell George Duff to be second lieutenant, Field Artillery.  
 Raphael Fred Rabold to be second lieutenant, Air Service.  
 Ross Clyde Brackney to be second lieutenant, Infantry.  
 Alfred Clement, jr., to be second lieutenant, Air Service.  
 Glenn Ingersoll Molyneaux to be second lieutenant, Infantry.  
 John Randolph Reilly to be second lieutenant, Infantry.  
 Roy Prewett Huff to be second lieutenant, Field Artillery.  
 Harold Robertson Davenport to be second lieutenant, Infantry.  
 Herbert John Affleck to be second lieutenant, Infantry.  
 Nicolas Boadilla Dalao to be second lieutenant, Philippine Scouts.  
 Ray Kerr Easley to be second lieutenant, Field Artillery.  
 Lawrence August Dietz to be second lieutenant, Infantry.  
 David Martin Bowes to be second lieutenant, Infantry.  
 Narciso Lopez Manzano to be second lieutenant, Philippine Scouts.  
 Rex Leno Brown to be second lieutenant, Infantry.  
 Paul Hanes Kemmer to be second lieutenant, Air Service.  
 Elmo Shingle to be second lieutenant, Infantry.

#### WITHDRAWAL.

*Executive nomination withdrawn from the Senate August 15, 1921.*

#### ORDNANCE DEPARTMENT.

Capt. Arthur Burnola Custis, Cavalry, with rank from October 19, 1921.

### HOUSE OF REPRESENTATIVES.

MONDAY, August 15, 1921.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name. Just now may there be an altar in every breast and at each altar may there be a bowed soul breathing the spirit of reverence, confession, and thanksgiving. Here may our thoughts and our purposes receive their sustaining power and thus our public ministrations shall be raised to their highest efficiency and our private lives made acceptable to Thee. And in the great awakening may we be at home with God. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, August 13, 1921, was read and approved.

#### ORDER OF BUSINESS—RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess to-day from 1 o'clock until 5.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the House stand in recess from 1 o'clock until 5. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, can the gentleman advise what the program for to-morrow will be?